

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Education: Senate Bills Nos. 540 and 542.

Constitutional Amendments: House Joint Resolution No. 46 and Senate Joint Resolution No. 18.

Game and Fisheries: Senate Bill No. 515; House Bills Nos. 941 and 691.

Municipal and Private Corporations: Senate Bills Nos. 434 and 560.

State Affairs: Senate Bill No. 559.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 175, "An Act authorizing the creation of corporations under the general laws of this State for the purpose of forming and operating a general detective agency to do a general detective business; prescribing the the amount of capital stock required of such corporations; requiring as a condition precedent to such corporation doing business in the State the execution of a surety bond or insurance policy to be deposited with the Secretary of State for the use and benefit of persons who may be injured by such corporation, servants, officers, agents, or employes; and providing that the provisions hereof shall apply to foreign corporations doing a like business in this State; and providing further, that said Act shall not be construed to confer the authority of a peace officer upon the servants, officers, agents, or employes of such corporation unless otherwise authorized by law; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,

Austin, Texas, May 19, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 921, "An Act declaring that where any land was titled prior

to the adoption of the common law, and there has been a judicial finding that the original grantee abandoned said land prior to the adoption of the common law, and the State of Texas has at any time instituted suit for the recovery of said land, resulting in a final judgment adverse to the State of Texas, whether on demurrer, exception, or a jury finding of fact, it shall be conclusively presumed that those now claiming said land under said original grantee or his heirs by conveyance or judgment are vested with all title which was originally vested in said grantee, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,

Austin, Texas, May 19, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 93, Authorizing certain corrections in House Bill No. 921,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

SIXTY-SEVENTH DAY

(Continued)

(Monday, May 22, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

SPECIAL ORDER SET

Mr. Fuchs moved that House Bill No. 796 be set as a special order for 11 o'clock a. m., today.

The motion prevailed.

HOUSE BILL NO. 83 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 83, A bill to be entitled "An Act to provide for the Texas Prison Board, through its general manager, bidding for contracts to supply the State with printing, binding, and supplies of like character with the Board of Control without a bond, and entering into such contracts with

the Board of Control without a bond, and entering into such contracts with the Board of Control without executing a bond; and declaring an emergency."

The bill was read third time.

Mr. Dunagan moved the previous question on the passage of the bill, and the main question was ordered.

House Bill No. 83 was then passed by the following vote:

Yeas—72

Adamson.	Hunt.
Alexander.	Hyder.
Alsup.	James.
Anderson	Jones of Runnels.
of Johnson.	Jones of Shelby.
Baker.	Kyle of Hays.
Barrett.	Lindsey.
Beck.	Lotief.
Bourne.	Mackay.
Burns.	McClain.
Calvert.	Merritt.
Camp.	Mitcham.
Canon.	Morrison.
Cathey.	Palmer.
Chastain.	Puryear.
Coombes.	Ramsey.
Cowley.	Ratliff.
Crossley.	Reed of Bowie.
Daniel.	Roberts.
Dean.	Rogers of Hunt.
Devall.	Ross.
Dunagan.	Savage.
Fain.	Scarborough.
Few.	Scott.
Ford.	Shults.
Fuchs.	Stinson.
Glass.	Stovall.
Golson.	Sullivant.
Good.	Thomas.
Goodman.	Tillery.
Harman.	Turlington.
Harris.	Van Zandt.
Head.	Vaughan.
Hester.	Weinert.
Hill of Brazoria.	Wood.
Hodges.	Young.
Hoskins.	

Nays—43

Anderson	Jackson.
of Bexar.	Jefferson.
Bradley.	Jones of Atascosa.
Clayton.	Kayton.
Dwyer.	Latham.
Greathouse.	Long.
Griffith.	Magee.
Hankamer.	Mathis.
Harrison.	McDougald.
Holekamp.	McGregor.
Holland.	McKee.
Huddleston.	Metcalfe.
Hughes.	Moffett.

Moore.	Rollins.
Morse.	Smith.
Nicholson.	Stanfield.
Parkhouse.	Tennyson.
Patterson.	Townsend.
Pavlica.	Wagstaff.
Pope.	Walker.
Reed of Dallas.	Wells.
Rogers	Winningham.
of Ochiltree.	

Absent

Barron.	Johnson
Bedford.	of Anderson.
Butler.	Kyle of Palo Pinto.
Celaya.	Laird.
Colson.	Leonard.
Davidson.	McCullough.
Dunlap.	Munson.
Duvall.	Ray.
Engelhard.	Reader.
Graves.	Riddle.
Haag.	Russell.
Hartzog.	Shannon.
Hicks.	Steward.
	Tarwater.

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

Mr. Burns moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—65

Adamson.	Fain.
Alexander.	Few.
Alsup.	Ford.
Baker.	Fuchs.
Barrett.	Glass.
Beck.	Golson.
Bourne.	Good.
Burns.	Goodman.
Calvert.	Harman.
Camp.	Harris.
Canon.	Head.
Cathey.	Hester.
Chastain.	Hodges.
Coombes.	Hoskins.
Cowley.	Hunt.
Crossley.	Hyder.
Daniel.	James.
Dean.	Jones of Runnels.
Devall.	Jones of Shelby.
Dunagan.	Kyle of Hays.

Lindsey.	Savage.
Lotief.	Scarborough.
Mackay.	Scott.
McClain.	Shults.
Merritt.	Stinson.
Morrison.	Stovall.
Palmer.	Thomas.
Puryear.	Turlington.
Ramsey.	Van Zandt.
Reed of Bowie.	Vaughan.
Roberts.	Weinert.
Rogers of Hunt.	Wood.
Ross.	

Nays—43

Anderson	McDougald.
of Bexar.	Moffett.
Anderson	Moore.
of Johnson.	Morse.
Bradley.	Nicholson.
Clayton.	Parkhouse.
Dwyer.	Patterson.
Greathouse.	Pavlica.
Griffith.	Ratliff.
Hankamer.	Reed of Dallas.
Harrison.	Riddle.
Holekamp.	Rogers
Huddleston.	of Ochiltree.
Hughes.	Rollins.
Jackson.	Smith.
Jefferson.	Stanfield.
Jones of Atascosa.	Sullivan.
Kayton.	Tennyson.
Laird.	Tillery.
Latham.	Townsend.
Long.	Wagstaff.
Magee.	Wells.
Mathis.	Winningham.

Absent

Barron.	Kyle of Palo Pinto.
Bedford.	Leonard.
Butler.	McCullough.
Celaya.	McGregor.
Colson.	McKee.
Davidson.	Metcalfe.
Dunlap.	Mitcham.
Duvall.	Munson.
Engelhard.	Pope.
Graves.	Ray.
Haag.	Reader.
Hartzog.	Russell.
Hicks.	Shannon.
Hill of Brazoria.	Steward.
Holland.	Tarwater.
Johnson	Walker.
of Anderson.	Young.

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

LEAVES OF ABSENCE GRANTED

(By Unanimous Consent)

Mr. Aikin was granted leave of absence for today on account of the illness of his father.

Mr. Holloway was granted leave of absence for today on account of important business, on motion of Mr. Dunagan.

HOUSE BILL ON FIRST READING

Mr. Savage moved to introduce, at this time, and have placed on first reading, the following bill:

The motion prevailed by the following vote:

Yeas—107

Adamson.	Holland.
Alexander.	Hoskins.
Alsup.	Huddleston.
Anderson	Hughes.
of Bexar.	Hunt.
Anderson	Hyder.
of Johnson.	Jackson.
Baker.	Jefferson.
Barrett.	Jones of Runnels.
Bourne.	Jones of Shelby.
Bradley.	Kayton.
Burns.	Kyle of Hays.
Camp.	Laird.
Canon.	Latham.
Cathey.	Lindsey.
Chastain.	Long.
Clayton.	Lotief.
Coombes.	Magee.
Cowley.	McDougald.
Crossley.	McKee.
Davidson.	Merritt.
Dean.	Metcalfe.
Devall.	Mitcham.
Dunlap.	Moffett.
Dunagan.	Moore.
Duvall.	Morse.
Dwyer.	Nicholson.
Engelhard.	Palmer.
Fain.	Parkhouse.
Few.	Pavlica.
Ford.	Pope.
Fuchs.	Puryear.
Glass.	Ramsey.
Golson.	Ratliff.
Good.	Reed of Bowie.
Goodman.	Reed of Dallas.
Griffith.	Roberts.
Hankamer.	Rogers of Hunt.
Harman.	Rogers
Harris.	of Ochiltree.
Harrison.	Rollins.
Head.	Ross.
Hester.	Savage.
Hill of Brazoria.	Scarborough.
Hodges.	Scott.
Holekamp.	Shults.

Smith.	Turlington.
Stanfield.	Van Zandt.
Stinson.	Vaughan.
Stovall.	Wagstaff.
Sullivant.	Walker.
Tennyson.	Weinert.
Thomas.	Wells.
Tillery.	Winningham.
Townsend.	Wood

Absent

Barron.	Leonard.
Beck.	Mackay.
Bedford.	Mathis.
Butler.	McClain.
Calvert.	McCullough.
Celaya.	McGregor.
Colson.	Morrison.
Daniel.	Munson.
Graves.	Patterson.
Greathouse.	Ray.
Haag.	Reader.
Hartzog.	Riddle.
Hicks.	Russell.
James.	Shannon.
Johnson	Steward.
of Anderson.	Tarwater.
Jones of Atascosa.	Young.
Kyle of Palo Pinto.	

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Savage:

H. B. No. 944, A bill to be entitled "An Act to amend Sections 1, 2, and 6, Chapter 148, of the General Laws, passed by the Forty-second Legislature at its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas State Parks Board, separately, or in co-operation with each other, to acquire by gift or purchase land for public parks; providing that lands to be acquired by any such city to be used for public parks and playgrounds, may be situated within or without its corporate limits, in the discretion of the governing body thereof, but within the county in which such city is situated; authorizing the issuance of bonds by any such city for park purposes; adding to said Chapter 148 a new Section,

to be called Section 2-a, legalizing, approving, and validating bonds voted by any city or town for the purpose of purchasing and improving lands for a public park in and for said city or town, and the levy of the tax in payment of such bonds under authority of Chapter 148, of the General Laws, passed at the Regular Session of the Forty-second Legislature; etc.; and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

MOTION TO INTRODUCE A BILL

Mr. Alsup moved to introduce, at this time, and have placed on its first reading, a bill which would eliminate the section of House Bill No. 167, heretofore adopted by the House, which relates to legalizing horse racing in Texas.

The motion was lost by the following vote:

Yeas—48

Adamson.	Latham.
Alsup.	Lindsey.
Anderson	Magee.
of Johnson.	Merritt.
Bourne.	Metcalfe.
Burns.	Mitcham.
Camp.	Moffett.
Cowley.	Palmer.
Daniel.	Parkhouse.
Dean.	Puryear.
Engelhard.	Reed of Bowie.
Fain.	Rogers of Hunt.
Glass.	Rollins.
Golson.	Scott.
Goodman.	Stovall.
Harman.	Sullivant.
Head.	Thomas.
Hester.	Turlington.
Hodges.	Vaughan.
Huddleston.	Wagstaff.
Hunt.	Walker.
Jones of Runnels.	Wells.
Jones of Shelby.	Winningham.
Kyle of Hays.	Wood.
Laird.	

Nays—56

Alexander.	Crossley.
Anderson	Davidson.
of Bexar.	Devall.
Baker.	Dunagan.
Barrett.	Dwyer.
Bradley.	Fuchs.
Butler.	Good.
Canon.	Greathouse.
Cathey.	Griffith.
Clayton.	Hankamer.
Coombes.	Harris.

Harrison.	Pavlica.
Hill of Brazoria.	Pope.
Holland.	Ratliff.
Hoskins.	Reed of Dallas.
Hughes.	Riddle.
Jackson.	Roberts.
James.	Rogers
Jefferson.	of Ochiltree.
Kayton.	Scarborough.
Long.	Shults.
Lotief.	Smith.
Mackay.	Stanfield.
Mathis.	Stinson.
McKee.	Tennyson.
Moore.	Tillery.
Morse.	Van Zandt.
Nicholson.	Weinert.
Patterson.	Young.

Present—Not Voting

Hyder.

Absent

Barron.	Kyle of Palo Pinto.
Beck.	Leonard.
Bedford.	McClain.
Calvert.	McCullough.
Celaya.	McDougald.
Chastain.	McGregor.
Colson.	Morrison.
Dunlap.	Munson.
Duvall.	Ramsey.
Few.	Ray.
Ford.	Reader.
Graves.	Ross.
Haag.	Russell.
Hartzog.	Savage.
Hicks.	Shannon.
Holekamp.	Steward.
Johnson	Tarwater.
of Anderson.	Townsend.
Jones of Atascosa.	

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

PAIRED

Mr. Hyder (present), who would vote "yea," with Mr. Renfro (absent), who would vote "nay."

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following messages from the Governor:

Executive Office,

Austin, Texas, May 22, 1933.

To the Forty-third Legislature:

I am attaching hereto copy of telegram received from United States Senator Morris Sheppard, and I am

submitting for your consideration the subject matter of his telegram. Also attached is a copy of resolution by the East Texas Chamber of Commerce which resolution is referred to in the telegram from Senator Sheppard.

Respectfully,

MIRIAM A. FERGUSON,
Governor of Texas.

D42 142 Govt. SU., Washington, D. C.,
May 20, 1933.

Governor Miriam A. Ferguson,
Austin, Texas.

Hon. Lawrence Westbrook and I conferred with General Hugh Johnson, President's director under National Industrial Recovery Act, this morning. General Johnson thinks it essential that our Texas Legislature pass an Act in accordance with resolution adopted by Waco Chamber of Commerce, May 9, and later by East and West Texas Chambers of Commerce, copy of which was sent you and copy of which was brought here by Mr. Westbrook, to wit, that during the present emergency it shall not be unlawful, our so-called anti-trust laws to the contrary notwithstanding, for any Texas citizen or institution to do those things which may be approved by the President in connection with his National Industrial Recovery program. Mr. Westbrook and I concur with General Johnson, and trust that our Legislature will see fit, in their wisdom and judgment, to take prompt action along this line.

MORRIS SHEPPARD.

Whereas, President Roosevelt has said in part: "We are working toward a definite goal which is to prevent the return of conditions which came very close to destroying what we call modern civilization. . . . Well considered and conservative measures will . . . be proposed which will attempt to give the industrial workers of the country a more fair wage return, prevent cutthroat competition, and unduly long hours of labor, and at the same time encourage each industry to prevent overproduction"; and

Whereas, President Roosevelt has also said in part: "Government ought to have the right, and will have the right, after surveying and planning for an industry to prevent, with the assistance of the overwhelming ma-

jority of that industry, unfair practice. . . . The so-called anti-trust laws were intended to prevent the creation of monopolies and to forbid unreasonable profits to those monopolies. That purpose of the anti-trust laws must be continued, but these laws were never intended to encourage the kind of unfair competition that results in long hours, starvation wages, and overproduction." Therefore, be it

Resolved by the East Texas Chamber of Commerce, That we earnestly urge Governor Miriam A. Ferguson and the Legislature of Texas to cooperate to the end that such revision of the anti-trust laws of Texas shall be had as will permit the business interests of Texas, engaged in intrastate commerce, to enjoy all the rights and benefits that may accrue to the business interests of the United States engaged in interstate commerce, through revision of Federal anti-trust laws, under President Roosevelt's plans for self-regulation of industry.

Executive Office,
Austin, Texas, May 22, 1933.

To the Forty-third Legislature:

I beg to advise that I have this day approved House Bill No. 844 and House Bill No. 154. Both of these bills cover the matter of enforcing the proration laws of the State by criminal penalties provided. There are separate provisions in each bill covering the same subject matter, and I suggest that you give consideration to same so as to prevent any possibility of conflict in the two bills.

I have been advised by able attorneys that there is serious doubt as to the form of the legislation proposed by House Bill No. 154, especially the provisions relating to intangible taxation. It has been suggested to me that only slight corrections are necessary to insure the validity of the bill. As the tax hoped to be raised by this bill involves millions, I suggest that you consider the question of such changes or corrections in the bill as will leave no doubt as to the regularity of its form and provisions.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Mr. McGregor moved that the message from the Governor be referred to the Committee on State Affairs.

Mr. Greathouse moved that the message be referred to the Committee on Judiciary.

The motion of Mr. Greathouse prevailed.

AUTHORIZING CERTAIN CORRECTIONS IN HOUSE BILL NO. 167

Mr. Harman offered the following resolution:

H. C. R. No. 94, Authorizing certain corrections in House Bill No. 167.

Whereas, The report of the conference committee on House Bill No. 167, as submitted and printed in the Journals of the two Houses, contains several minor errors, due to clerical or typographical mistakes; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to make the following corrections, so that the enrolled bill will reflect the true action of the committee with respect to the items involved:

First: The item of traveling expenses for the Industrial Accident Board should be changed from \$1,500, each year, to \$1,100, each year.

Second: The following item should be inserted in the appropriations for the Treasury Department: "Time lock, \$100, each year."

Third: The salary for the Blue Sky Commissioner in the appropriations for the Secretary of State should be changed from \$2,250, each year, to \$2,550, each year.

Fourth: The words "under 21 years of age" should be added after the word "children," where it first appears in the proviso relating to the number of persons in the same family who may receive salaries for which appropriations are made in the bill.

HARMAN,
KAYTON.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 260, A bill to be entitled "An Act amending Article 791, of the Penal Code, providing that Section 8, of Article 827-a, of the Acts of 1929, Forty-first Legislature, Second Called Session, page 72, Chapter 42, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 507, Chapter 282, relating to the speed of motor vehicles, shall not apply to fire patrols or motor vehicles operated by the fire department of any city, town, or village responding to calls, nor to police patrols or physicians and/or ambulances responding to emergency calls; and providing that incorporated cities and towns may, by ordinance, regulate the speed of ambulances, and declaring an emergency."

H. B. No. 329, A bill to be entitled "An Act to amend Sections 7, 20, 23, and 24, of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, and Sections 16 and 17, of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, as amended by Chapter 15, General Laws, Forty-first Legislature, Fifth Called Session, and Section 28, of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, as amended by Chapter 62, General Laws, Forty-first Legislature, Second Called Session, relating to regulating the avocation and art of barbering, prescribing such sanitary rules and regulations in order to insure the proper sanitary conditions, and to prevent the spreading of diseases, etc., and declaring an emergency."

H. B. No. 333, A bill to be entitled "An Act amending Article 2020, of the Revised Civil Statutes, 1925, with respect to the record in causes where a plea of privilege is sustained, providing for severable causes, and requiring amended pleadings to conform to court's ruling, and declaring an emergency." (With amendments.)

H. B. No. 459, A bill to be entitled "An Act to amend Acts, 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 13, relating to the issuance of license number plates; providing that said plates shall be manufactured and produced in the State Penitentiary at Huntsville, Texas, and declaring an emergency." (With amendments.)

H. B. No. 475, A bill to be entitled "An Act amending Section 28, of Chapter 212, Acts of Regular Session, Fortieth Legislature; and declaring an emergency." (Relating to discharge of prisoners.)

H. B. No. 867, A bill to be entitled "An Act amending Articles 7245, 7246, 7247, 7248, and 7249, of the 1925 Revised Civil Statutes of Texas, by providing for the election, oath, and bond of the office of assessor and collector of taxes, as combined by the recent amendment to the Constitution; providing that Articles 7181 to 7359, inclusive, of Title 122, of the 1925 Revised Civil Statutes of Texas, including all amendments, as well as the 1925 Revised Civil Statutes, shall be so construed as to carry out the purpose of the constitutional amendment providing for one officer, and that the words 'assessor,' 'assessor of taxes,' 'collector,' 'collector of taxes,' or 'tax collector' shall refer to and mean one office or officer; repealing Articles 7177, 7178, 7179, and 7180, of Title 122, of the 1925 Revised Civil Statutes of Texas; and declaring an emergency." (With amendments.)

H. B. No. 887, A bill to be entitled "An Act providing for rural school supervisors in certain counties, in lieu of teachers' institutes; prescribing the duties of said supervisors, and how it shall be paid; prescribing other things incidental to said purpose; and declaring an emergency."

H. B. No. 893, A bill to be entitled "An Act providing for the taking of fish from the fresh waters of Cooke County, Texas, and making it unlawful to take any such fish except by ordinary hook and line, or by seine, or net, the mesh of which is less than one and one-half inches square; providing that seines and nets may be used only during the month of August; etc.; and declaring an emergency."

H. B. No. 929, A bill to be entitled "An Act authorizing Dallas County Arcadia Fresh Water Supply District No. 1 to incur indebtedness evidenced by contract, agreement, notes, or warrants, and to borrow money from Reconstruction Finance Corporation, for any purpose incident to its powers and functions, including the construction of repairs, replacements, and extensions to its water system, and to

pay off from and to pledge for the payment thereof, any part of its income or revenues, and to mortgage its properties and facilities; providing for an election to authorize the incurring of indebtedness, and validating any election heretofore held in compliance with the provisions of this Act; etc.; and declaring an emergency."

H. B. No. 895, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill, or attempt to kill, by any means whatsoever, any wild turkey in the Counties of Guadalupe and Comal for a period of five (5) years; etc.; and declaring an emergency."

H. B. No. 903, A bill to be entitled "An Act designating fur-bearing animals; declaring them the property of the State; declaring a five-year closed season on wild fox in Van Zandt County, and providing a penalty for violation of this Act, etc."

H. B. No. 911, A bill to be entitled "An Act defining and providing the powers and duties of commissioners courts with regard to the laying out, opening, widening, draining, grading, construction, building, repairing, and maintaining of public roads, bridges, and viaducts; providing for the employment of a county engineer and purchasing agent; fixing the compensation of certain officers and employes, and defining their duties; authorizing and providing for the purchase and condemnation of land, materials, and dirt for the construction and maintenance of public highways, and providing for the appraisement of same; abolishing the payment of road taxes by labor, and providing for the use of convicts on public projects; prohibiting any officer and employe of the county from being interested in any contract involving said county, etc.; and declaring an emergency."

H. B. No. 934, A bill to be entitled "An Act conferring additional powers on the boards of trustees of independent school districts situated in counties having a population, according to the latest Federal Census, of more than 22,000 and less than 22,100, by providing that the boards of trustees of such districts may issue refunding warrants in lieu of eligible vouchers as defined herein, issued prior to January 1, 1932, prescribing the duties of

the boards of trustees in reference to the issuance of said refunding warrants, expressly authorizing and validating said outstanding eligible vouchers and refunding warrants issued in lieu thereof; etc.; and declaring an emergency."

H. B. No. 938, A bill to be entitled "An Act amending Article 1456, of the Penal Code of the State of Texas, 1925, so as not to exempt Jasper and Newton Counties from the provisions of certain articles of the Penal Code; and declaring an emergency." (Relative to hide inspections, etc.)

S. B. No. 532, A bill to be entitled "An Act authorizing the Texas State Parks Board to improve, beautify, and equip their several State parks, and in payment thereof, or to secure funds therefor, to issue evidences of indebtedness secured by the rents, revenues, and incomes from such improvements, and/or other fees, rents, or revenues from any source other than appropriations made by the State Legislature; providing that the said Board may make concession contracts; providing that projects financed in accordance with this Act shall be deemed self-liquidating in character; providing that nothing herein shall be construed as creating a debt against the State of Texas; and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 900, "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than 16,563, and not more than 16,963, according to the last preceding Federal Census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such dis-

tricts to appoint the proper and statutory board of equalization; and which are insufficient, and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; etc.; and declaring an emergency."

H. B. No. 558, "An Act abolishing the office of District Attorney for the Thirtieth Judicial District, comprising Young, Archer, and Wichita Counties; and providing that the now county attorneys shall act as criminal district attorneys for their respective counties, from and after the date of the expiration of the term of office to which the now district attorney was elected; and fixing the fees of their office created by this Act."

H. B. No. 937, "An Act validating bonds of cities and towns issued for the purchase, construction, improvement, or repair of any light, gas, water, or sewer system owned and operated by such city or town, under authority of Chapter 314, of the General Laws passed by the Forty-second Legislature at its Regular Session, in 1931, where such bonds have been approved, as to legality and purpose by the Reconstruction Finance Corporation; validating the sale of such bonds, and declaring the same legal obligations upon the properties encumbered to secure their payment; providing and authorizing the issuance, sale, and delivery of any such bonds heretofore authorized pursuant to this statute; etc.; and declaring an emergency."

S. B. No. 242, "An Act to provide an emergency appropriation of one million five hundred and eighty-two thousand eight hundred and ninety-one dollars (\$1,582,891), or as much thereof as may be necessary, to be used for the payment of salary aid, high school per capita aid, industrial aid, tax supplementary aid, high school tuition aid, transportation aid, consolidation bonus; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 148, "An Act to amend Article 1302, of the Revised Civil Statutes of the State of Texas, 1925, by adding a new Section, to be known as 95-a, to provide for the creation of corporations for the purpose of dealing in agricultural commodities, poultry, dairy products, and live

stock produced in the United States; enumerating the power and authority of such corporations, and declaring an emergency."

S. J. R. No. 2, Proposing an amendment to the Constitution of the State of Texas, by adding to Article XVI, another Section, Section 61, abolishing the fee system of compensating State, district, county, and precinct officers, and providing for the payment of salaries to said officers, except public weighers, notaries public, and county surveyors.

H. C. R. No. 56, Granting The Abilene Plumbing Company permission to sue the State.

H. C. R. No. 61, Granting W. F. Sewell and wife permission to sue the State.

H. C. R. No. 62, Granting A. E. Eliot and wife permission to sue the State.

H. C. R. No. 66, Granting A. C. Reissig and others permission to sue the State.

S. C. R. No. 72, Authorizing the Enrolling Clerk to make certain correction in Senate Joint Resolution No. 2.

HOUSE BILL NO. 333 WITH SENATE AMENDMENTS

Mr. Greathouse called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 333, A bill to be entitled "An Act amending Article 2020, of the Revised Civil Statutes, 1925, with respect to the record in causes where a plea of privilege is sustained, providing for severable causes, and requiring amended pleadings to conform to court's ruling, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Greathouse, the House concurred in the Senate amendments by the following vote:

Yeas—104

Adamson.	Bourne.
Alexander.	Bradley.
Alsup.	Burns.
Anderson	Calvert.
of Johnson.	Camp.
Baker.	Canon.
Barrett.	Cathey.

Chastain.	Magee.
Clayton.	Mathis.
Coombes.	McClain.
Crossley.	McDougald.
Daniel.	Merritt.
Davidson.	Metcalfe.
Dean.	Mitcham.
Devall.	Moffett.
Dunagan.	Moore.
Duvall.	Morrison.
Engelhard.	Nicholson.
Fain.	Palmer.
Ford.	Patterson.
Fuchs.	Pavlica.
Glass.	Pope.
Golson.	Puryear.
Good.	Ratliff.
Goodman.	Reed of Bowie.
Greathouse.	Reed of Dallas.
Griffith.	Riddle.
Hankamer.	Roberts.
Harris.	Rogers of Hunt.
Harrison.	Rogers
Head.	of Ochiltree.
Hester.	Rollins.
Hicks.	Savage.
Hill of Brazoria.	Scott.
Hodges.	Shults.
Holekamp.	Smith.
Hoskins.	Stanfield.
Hughes.	Stinson.
Hunt.	Stovall.
Hyder.	Sullivan.
Jackson.	Tennyson.
James.	Thomas.
Jefferson.	Tillery.
Johnson	Townsend.
of Anderson.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Vaughan.
Jones of Shelby.	Wagstaff.
Kayton.	Walker.
Kyle of Hays.	Weinert.
Latham.	Winningham.
Lindsey.	Wood.
Lotief.	Young.
Mackay.	

Absent

Anderson	Kyle of Palo Pinto.
of Bexar.	Laird.
Barron.	Leonard.
Beck.	Long.
Bedford.	McCullough.
Butler.	McGregor.
Celaya.	McKee.
Colson.	Morse.
Cowley.	Munson.
Dunlap.	Parkhouse.
Dwyer.	Ramsey.
Few.	Ray.
Graves.	Reader.
Haag.	Ross.
Harman.	Russell.
Hartzog.	Scarborough.
Holland.	Shannon.
Huddleston.	Steward.

Tarwater.	Wells.
Absent—Excused	

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

HOUSE BILL NO. 459 WITH SENATE AMENDMENTS

Mr. Cathey called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 459, A bill to be entitled "An Act to amend Acts, 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 13, relating to the issuance of license number plates; providing that said plates shall be manufactured and produced in the State Penitentiary at Huntsville, Texas, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Cathey moved that the House concur in the Senate amendments.

Mr. Van Zandt moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences.

On motion of Mr. Burns, the substitute motion by Mr. Van Zandt was tabled.

Question then recurring on the motion by Mr. Cathey, it prevailed.

HOUSE BILL NO. 796 ON SECOND READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 796, A bill to be entitled "An Act dividing the State into north and south zones; defining the dividing line of such zones; fixing the open season for taking or killing of 'mourning' doves and quail in the north and south zones; fixing the penalty for violation of this Act; repealing all laws in conflict, and declaring an emergency."

The bill was read second time.

Mr. Vaughan offered the following amendment to the bill.

Amend House Bill No. 796, page 1, Section 2, line 39, by changing date "October 15" to "October 31."

Mr. Jones of Runnels offered the following substitute for the amendment by Mr. Vaughan:

Substitute for amendment to House Bill No. 796, page 1, Section 2, line 39, by striking out the words "September 1 to October 15," and insert the following: "September 15 to October 31."

JONES of Runnels,
LINDSEY,
WAGSTAFF,
GOLSON.

Mr. Van Zandt moved to table the substitute amendment.

The motion to table prevailed.

Question then recurring on the amendment by Mr. Vaughan, it was adopted.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 796, page 2, Section 5, by adding Section 5-a, to read as follows:

"Section 5-a. Provided, however, that after the passage of this Act the provisions of House Bill No. 854, Acts of the Regular Session of the Forty-third Legislature, shall still be in force and effect; and be it further provided, that it is not the purpose and intent of this Act to repeal House Bill No. 854, Acts of the Regular Session of the Forty-third Legislature."

Mr. Mackay moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment, it was adopted.

Mr. Alsup moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

INVITING THE HON. CLAUDE B. HUDSPETH TO ADDRESS THE HOUSE

Mr. Metcalfe offered the following resolution:

Whereas, The Senate has invited the Hon. Claude B. Hudspeth, who for many years, was a Member of the Texas House of Representatives and of the Senate, and subsequently served his District in Congress with much distinction, to address the Senate at an early date; and

Whereas, The many friends of Mr. Hudspeth in the House would also

like to have him address this Body; now, therefore, be it

Resolved by the House of Representatives, That the Hon. Claude B. Hudspeth be requested to visit the City of Austin and address the House of Representatives at a date convenient to him.

Signed—Metcalfe, Townsend, Haag, Holekamp, Jackson, Hankamer, Clayton, Weinert, McGregor.

The resolution was read second time, and was adopted.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 532, to the Committee on Public Lands and Buildings.

RECESS

On motion of Mr. Morse, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 796 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 796, relative to the killing of mourning doves in certain zones; the bill having heretofore been read second time.

Mr. Holekamp offered the following amendment to the bill:

Amend House Bill No. 796 by striking out all of Section 1, beginning with line 17, through line 36, and substituting the following:

"Beginning on the Rio Grande directly west of the town of Del Rio, Texas; thence east to the town of Del Rio; thence easterly following the center of the main track of the Southern Pacific Railroad through the towns of Spofford, Uvalde, Hondo; thence to the point where the Southern Pacific Railroad crosses the I. & G. N. R. R. at or near San Antonio; thence following the center of the track of said I. & G. N. R. R. in an

easterly direction, to the point in the City of Austin, where it joins Congress Avenue, near the I. & G. N. R. R. depot; thence across said Congress Avenue, at or near the H. & T. C. R. R. depot; thence following the center line of the track of said H. & T. C. R. R. in an easterly direction through the towns of Elgin, Giddings, and Brenham, to the point where said railroad crosses the Brazos River; thence with the center of said Brazos River in a general northerly direction, to the point on said river where the Beaumont branch of the Santa Fe Railway crosses the same; thence with the center of the track of said G. C. & S. F. Railway, in an easterly direction through the towns of Navasota, Montgomery, and Conroe, to the point at or near Cleveland, where said G. C. & S. F. Ry. crosses the Houston, East and West Texas Railroad; thence with the center of said H. E. & W. T. Railroad track to the point in said line, where it strikes the Louisiana line. All that portion of the State lying north or northerly shall be known as the north zone and all that portion of the State lying south or southerly of said line shall be known as the south zone."

DEAN,
JONES of Runnels,
HOLEKAMP.

Mr. Fuchs offered the following amendment to the amendment by Mr. Holekamp:

Amend amendment to House Bill No. 796 by following the I. & G. N. Railroad from Austin through Round Rock, Rockdale, Franklin, Palestine, Jacksonville, Longview, Marshall, thence easterly along said I. & G. N. Railroad to Louisiana line.

On motion of Mr. Camp, the amendment by Mr. Fuchs was tabled.

Mr. Butler moved to table the amendment by Mr. Holekamp.

The motion to table was lost.

Question then recurring on the amendment by Mr. Holekamp, it was adopted.

Mr. Burns offered the following amendment to the bill:

Amend House Bill No. 796, page 2, Section 3, by striking out "January 16," and insert in lieu thereof "February 1."

BURNS,
BUTLER.

Mr. Daniel moved to table the amendment.

The motion to table prevailed.

Mr. Latham offered the following amendment to the bill:

Amend House Bill No. 796, page 2, Section 2, line 6, by adding, at the end of said Section, the following: "Provided, that this Section shall apply to the entire area of Gregg, Smith, and Henderson Counties."

LATHAM,
MAGEE,
MITCHAM.

Mr. Mackay moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. Latham, it was adopted.

Mr. Vaughan offered the following amendment to the bill:

Amend House Bill No. 796, page 2, Section 4, line 15, by striking out the words and figures "less than \$10 nor."

The amendment was adopted.

Mr. Jones of Runnels offered the following amendment to the bill:

Amend House Bill No. 796, page 2, Section 5, line 20, by adding after the word "repealed," a comma instead of a period, and "only excepting such counties as now closed by a pre-existing law."

The amendment was adopted.

Mr. Roberts offered the following amendment to the bill:

Amend House Bill No. 796, page 2, line 9, by striking out "December 1," and inserting in lieu thereof the following: "November 15."

Mr. Rollins moved the previous question on the pending amendment, the amendments on the Speaker's desk, and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Roberts, it was lost.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 796 by adding a new Section between Section 4 and Section 5, to be numbered Section 4-a, to read as follows:

"Section 4-a. That when this Act becomes effective, it shall be unlawful for the Game, Fish, and Oyster Commission of the State of Texas or for any other authority of the State of

Texas to designate what is known and called as a game preserve in any county in this State that refuses, through its county judge and commissioners court, either or both, to lay out, designate, or provide a right of way for any State highway designated by the Highway Commission of Texas or designated on the maps and records of such Highway Commission. That it shall be unlawful for said Game, Fish, and Oyster Commission or any of its agents or employes to expend any money belonging to the Game, Fish, and Oyster Commission for any salary or other expense for any service of labor performed within such county designated above. If any provision of this bill be violated or if any employe of said Game, Fish, and Oyster Commission or any department of the State of Texas or any officer of the State of Texas, shall render any service or spend any money or draw any salary for any service or labor performed in such counties designated hereinabove, shall be guilty of a felony and, upon conviction thereof, shall be confined in the Penitentiary for a term of years, not less than two nor more than five, and the venue to try such alleged violation of laws shall be in Travis County, Texas. That for a term of ten years from the date that this Act shall take effect, it shall be unlawful for any wild game to be taken or killed by any person in any county designated hereinabove, and any person who shall take or kill any such wild game shall be guilty of a felony and, upon conviction thereof, shall be punished for a term of years, not more than five years nor less than two, and the venue for trying such cases shall be in Travis County, Texas."

The amendment was lost.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House Bill No. 796 then failed to pass to engrossment by the following vote:

Yeas—43

Alexander.	Baker.
Anderson	Bradley.
of Bexar.	Butler.

Calvert.	Mackay.
Coombes.	McKee.
Dean.	Merritt.
Devall.	Metcalfe.
Engelhard.	Moffett.
Ford.	Moore.
Fuchs.	Morse.
Golson.	Palmer.
Graves.	Patterson.
Harris.	Pavlica.
Hester.	Riddle.
Hill of Brazoria.	Rogers
Holekamp.	of Ochiltree.
Holland.	Ross.
Hoskins.	Stovall.
Hughes.	Townsend.
Jones of Runnels.	Wagstaff.
Kyle of Hays.	Wood.
Lindsey.	Young.
Lotief.	

Nays—66

Adamson.	Laird.
Alsup.	Latham.
Anderson	Magee.
of Johnson.	McClain.
Barrett.	McDougald.
Beck.	Morrison.
Bourne.	Parkhouse.
Burns.	Pope.
Camp.	Puryear.
Canon.	Ramsey.
Cathey.	Ratliff.
Chastain.	Reed of Bowie.
Clayton.	Roberts.
Cowley.	Rogers of Hunt.
Crossley.	Rollins.
Daniel.	Russell.
Dunagan.	Savage.
Fain.	Scarborough.
Glass.	Scott.
Good.	Shults.
Greathouse.	Smith.
Griffith.	Stanfield.
Hankamer.	Steward.
Head.	Stinson.
Hicks.	Tennyson.
Hodges.	Thomas.
Huddleston.	Tillery.
Hunt.	Turlington.
Hyder.	Van Zandt.
Jackson.	Vaughan.
James.	Walker.
Jones of Atascosa.	Wells.
Jones of Shelby.	Winningham.
Kayton.	

Present—Not Voting

Goodman.	Haag.
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Absent

Barron.	Colson.
Bedford.	Davidson.
Celaya.	Dunlap.

Duvall.	McCullough.
Dwyer.	McGregor.
Few.	Mitcham.
Harman.	Munson.
Harrison.	Nicholson.
Hartzog.	Ray.
Jefferson.	Reader.
Johnson	Reed of Dallas.
of Anderson.	Shannon.
Kyle of Palo Pinto.	Sullivant.
Leonard.	Tarwater.
Long.	Weinert.
Mathis.	

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

Mr. Alsup moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

CONFERENCE COMMITTEE RE-
PORT ON SENATE BILL
NO. 429

Mr. Hankamer submitted the following conference committee report on Senate Bill No. 429:

Committee Room,
Austin, Texas, May 17, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two Houses on

S. B. No. 429, A bill to be entitled "An Act to provide and establish the two-platoon system for firemen in all cities of fifty thousand (50,000) inhabitants, or more, in this State, according to the last preceding Federal Census, and providing the number of hours such firemen shall be on duty, and providing the penalty for violation of same; and declaring an emergency,"

Having considered the differences between the two Houses, and having reached an agreement, beg leave to report that the hereto attached completed bill is the bill which we recommend to be passed by both Houses.

The bill is substantially the same as the original Senate bill, with House amendments, rewritten by us so as to make the provisions of the same applicable to the City of El Paso, Texas.

We recommend the adoption of this report, and the final passage by both Houses of the attached bill:

"S. B. No. 429,

A BILL

To Be Entitled

An Act to provide and establish the two-platoon system for firemen in all cities containing more than one hundred thousand (100,000) inhabitants and less than one hundred and twenty thousand (120,000) inhabitants in this State, according to the last preceding Federal Census, in counties containing more than nine hundred (900) square miles, and in all cities of two hundred and sixty-five thousand (265,000) inhabitants, or more, in this State, according to the last preceding Federal Census, in counties containing more than fifteen hundred (1,500) square miles; providing the number of hours such firemen shall be on duty; providing a penalty for the violation of same, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Fire Department—Hours of Labor. In all cities containing more than one hundred thousand (100,000) inhabitants and less than one hundred and twenty thousand (120,000) inhabitants, in this State, according to the last preceding Federal Census, in counties containing more than nine hundred (900) square miles, and in all cities of two hundred and sixty-five thousand (265,000) inhabitants, or more, in this State, according to the last preceding Federal Census, in counties containing more than fifteen hundred (1,500) square miles, which maintain an organized, paid fire department, there shall be established and maintained two-platoon fire system, and no employe of such department shall be compelled to be on duty more than ten (10) consecutive hours during

the daytime, nor more than fourteen (14) consecutive hours during the nighttime; provided, that in no event shall employees of such fire departments be required to be on duty more than fourteen (14) hours in any period of twenty-four (24) consecutive hours, except as provided in Section 2 of this Act.

Sec. 2. Chief of Fire Department—Duty of. The head or chief officer of such fire department or companies in such cities shall so arrange the working hours of the employees of such fire department or companies so that each employee shall work, as near as practicable, an equal number of hours per month; provided, the two platoons may be so arranged as to work twenty-four hours each on duty and twenty-four hours off duty; provided, that the head or chief officer of such department, his aids or assistants may, in their discretion, in cases of emergency or great conflagrations require such employee, or employees to continue on duty during such conflagration or emergency, for a greater period than specified in Section 1 hereof.

Sec. 3. That any chief of such fire department or companies or any other officer or person who violates or causes to be violated any provision of this Act shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than ten and no/100 dollars (\$10.00) nor more than one hundred and no/100 dollars (\$100.00); each employee required or permitted to work in violation of the provisions hereof and each and every day of such violation shall constitute a separate offense.

Sec. 4. That on account of such irregular hours of duty of firemen in cities of more than one hundred thousand (100,000) inhabitants and less than one hundred and twenty thousand (120,000) inhabitants, and in cities of two hundred and sixty-five thousand (265,000) inhabitants, or more, and on account of the necessity of establishing a two-platoon system to regulate the hours of duty of said firemen in such cities, it thereby creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House,

be suspended, and it is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

WOODUL,
SANDERFORD,
COLLIE,
DeBERRY,
MARTIN,

On the part of the Senate;

HOLLAND,
HANKAMER,
JAMES,
DWYER,
McDOUGALD,

On the part of the House.

On motion of Mr. Hankamer, the report was adopted by the following vote:

Yeas—108

Adamson.	Hicks.
Alexander.	Hill of Brazoria.
Alsup.	Holekamp.
Anderson	Holland.
of Bexar.	Hoskins.
Baker.	Huddleston.
Barrett.	Hughes.
Beck.	Hyder.
Bourne.	Jackson.
Bradley.	James.
Burns.	Jones of Runnels.
Butler.	Jones of Shelby.
Calvert.	Kayton.
Camp.	Kyle of Hays.
Canon.	Laird.
Cathey.	Latham.
Celaya.	Lindsey.
Clayton.	Lotief.
Cowley.	Mackay.
Crossley.	Magee.
Daniel.	McClain.
Dean.	McCullough.
Devall.	McDougald.
Dunlap.	McKee.
Dunagan.	Merritt.
Fain.	Metcalf.
Few.	Mitcham.
Ford.	Moffett.
Fuchs.	Moore.
Glass.	Morrison.
Golson.	Morse.
Good.	Nicholson.
Goodman.	Palmer.
Graves.	Parkhouse.
Greathouse.	Patterson.
Griffith.	Pavlica.
Haag.	Puryear.
Hankamer.	Ramsey.
Harris.	Ratliff.
Head.	Reed of Bowie.
Hester.	Reed of Dallas.

Riddle.	Stinson.
Roberts.	Stovall.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Tillery.
Ross.	Townsend.
Russell.	Turlington.
Savage.	Van Zandt.
Scarborough.	Wagstaff.
Scott.	Walker.
Shults.	Wells.
Smith.	Winningham.
Stanfield.	Wood.
Steward.	Young.

Nays—2

Coombes.	Vaughan.
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Absent

Anderson	Johnson
of Johnson.	of Anderson.
Barron.	Jones of Atascosa.
Bedford.	Kyle of Palo Pinto.
Chastain.	Leonard.
Colson.	Long.
Davidson.	Mathis.
Duvall.	McGregor.
Dwyer.	Munson.
Engelhard.	Pope.
Harman.	Ray.
Harrison.	Reader.
Hartzog.	Rogers of Hunt.
Hodges.	Shannon.
Hunt.	Sullivan.
Jefferson.	Tarwater.
	Weinert.

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

REASON FOR VOTE

I vote against the conference committee report on Senate Bill No. 249 because it should be the law in all cities and should not be a local law.

COOMBES.

HOUSE BILL NO. 599 WITH SENATE AMENDMENTS

Mr. Cathey called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 599, A bill to be entitled "An Act to amend Chapter 7, House Bill No. 35, Acts of the Third Called Session of the Forty-second Legislature, regulating the taking of certain

wild fur-bearing animals; providing for a penalty for violation thereof; and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Cathey, the House concurred in the Senate amendments by the following vote:

Yeas—108

Adamson.	Kayton.
Alexander.	Kyle of Hays.
Alsup.	Latham.
Anderson	Lindsey.
of Bexar.	Lotief.
Baker.	Mackay.
Barrett.	Magee.
Beck.	McClain.
Bourne.	McDougald.
Bradley.	McKee.
Burns.	Merritt.
Butler.	Metcalfe.
Calvert.	Mitcham.
Camp.	Moffett.
Canon.	Moore.
Cathey.	Morrison.
Celaya.	Morse.
Clayton.	Nicholson.
Coombes.	Palmer.
Cowley.	Parkhouse.
Crossley.	Patterson.
Daniel.	Pavlica.
Dean.	Puryear.
Devall.	Ramsey.
Dunagan.	Ratliff.
Duvall.	Reed of Bowie.
Fain.	Reed of Dallas.
Few.	Riddle.
Fuchs.	Roberts.
Glass.	Rogers
Good.	of Ochiltree.
Goodman.	Rollins.
Graves.	Ross.
Greathouse.	Russell.
Griffith.	Savage.
Haag.	Scarborough.
Hankamer.	Scott.
Harman.	Shults.
Harris.	Smith.
Head.	Stanfield.
Hester.	Steward.
Hicks.	Stinson.
Hill of Brazoria.	Stovall.
Hodges.	Tennyson.
Holekamp.	Thomas.
Holland.	Townsend.
Hoskins.	Turlington.
Huddleston.	Van Zandt.
Hughes.	Vaughan.
Hunt.	Wagstaff.
Hyder.	Walker.
Jackson.	Weinert.
Jones of Atascosa.	Wells.
Jones of Runnels.	Winningham.
Jones of Shelby.	Wood.

Absent

Anderson	Kyle of Palo Pinto.
of Johnson.	Laird.
Barron.	Leonard.
Bedford.	Long.
Chastain.	Mathis.
Colson.	McCullough.
Davidson.	McGregor.
Dunlap.	Munson.
Dwyer.	Pope.
Engelhard.	Ray.
Ford.	Reader.
Golson.	Rogers of Hunt.
Harrison.	Shannon.
Hartzog.	Sullivant.
James.	Tarwater.
Jefferson.	Tillery.
Johnson	Young.
of Anderson.	

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

HOUSE BILL NO. 724 ON SECOND
READING

Mr. Kayton moved to take up, for consideration at this time, House Bill No. 724, which bill had heretofore been laid on the table subject to call.

Mr. Bradley raised the following point of order on further consideration of the motion by Mr. Kayton:

Rule XIII, Section 10, clearly requires that notice be given on the legislative day before the motion is made to take a bill from the table, after it has been laid on the table subject to call. The precaution puts the House on notice that the bill will be called up, and in this manner allows Members to prepare to resist taking up or passing measures that are on the table subject to call. It would become a vicious practice for bills to be taken up without notice as required by this Rule.

In this session of the Legislature there has been indulged the practice of allowing a great many bills to be placed on the table subject to call. This condition has naturally made it difficult for notice to be given as contemplated by the Rule, and the Speaker has attempted to expedite matters by giving notice that all bills on the

table subject to call will be called up on the next legislative day. However, the present congested condition would not have developed except for the annotation to Rule XIII, Section 10, wherein it is stated that measures "... not before the House for consideration may be laid on the table subject to call by unanimous consent." (Texas Legislative Manual, 1931, p. 372.) It has been suggested that bills and resolutions should be laid on the table subject to call only when they are pending business. This interpretation and practice would certainly tend to avoid the present congested condition and dangerous practice resulting therefrom.

In the case under which I have raised this point of order, there was not only failure to give notice as to the particular bill, but also failure to give notice that "all bills on the table subject to call will be called up on the next legislative day," which practice in itself does not conform to the Rule.

BRADLEY.

The Speaker overruled the point of order.

Question then recurring on the motion by Mr. Kayton, that House Bill No. 724 be taken up, for consideration at this time, it prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 724, A bill to be entitled "An Act to amend Section 2, of an Act passed by the Legislature of Texas, February 26, 1929, House Bill No. 153, relating to title insurance business and the capital stock of corporations doing such a business; regulating the amount of capital stock of companies which may be invested in abstract plants."

The bill was read second time.

Mr. Kayton offered the following amendment to the bill:

Amend House Bill No. 724 by striking out all after the enacting clause, and inserting in lieu thereof the following:

"Section 1. That Sections 2 and 3-a, of the Acts of the Forty-first Legislature, Regular Session, passed February 26, 1929, be amend-

ed so as to hereafter read as follows:

"Section 2. All corporations created and/or operating under the provisions of this law must have a paid-up capital of not less than one hundred thousand dollars (\$100,000). Any corporation organized hereunder having the right to do a title insurance business may invest as much as fifty per cent (50%) of its capital stock in an abstract plant or plants, provided, the valuation to be placed upon such plants shall be approved by the Board of Insurance Commissioners of this State; provided, however, that if such corporation is not doing a trust business as provided in Section 1, Article 4, of the Act hereby amended, and maintains with the Commissioner of Insurance the deposit of \$100,000 in securities as provided in Section 6 of the Act hereby amended, such of its capital in excess of 50 per cent, as deemed necessary to its business by its board of directors, may be invested in abstract plants, and provided further, that no such corporation may hereafter acquire more than one abstract plant in any one county, and shall not hereafter acquire any plant in any county in this State having a population of less than one hundred thousand, according to the last preceding Federal Census."

"Section 3-a. Corporations, domestic or foreign, operating under this Act, shall not have the right to guarantee the payment of mortgages, and if any such corporation shall do so, it shall forthwith forfeit and surrender its permit to do business."

"Sec. 2. The fact that under the existing law, the people dealing with the aforementioned corporations, have not had adequate protection creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Kayton offered the following amendment to the bill:

Amend House Bill No. 724 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"H. B. No. 724,

A BILL

To Be Entitled

An Act to amend Sections 2 and 3-a of an Act passed by the Legislature of Texas, February 26, 1929, House Bill No. 153, relating to title insurance business and the capital stock of corporations doing such business, and to prohibit such corporations guaranteeing mortgages; and declaring an emergency."

The amendment was adopted.

House Bill No. 724 was then passed to engrossment.

Mr. Van Zandt moved to reconsider the vote by which the bill was passed to engrossment.

The motion to reconsider prevailed by the following vote:

Yeas—69

Adamson.	McCullough.
Alexander.	McDougald.
Alsup.	McKee.
Baker.	Merritt.
Barrett.	Mitcham.
Bourne.	Moffett.
Burns.	Morrison.
Butler.	Nicholson.
Calvert.	Palmer.
Camp.	Pavlica.
Cowley.	Purveyar.
Crossley.	Ramsey.
Dean.	Ratliff.
Dunagan.	Ray.
Fain.	Reed of Dallas.
Glass.	Riddle.
Golson.	Roberts.
Good.	Rogers
Goodman.	of Ochiltree.
Griffith.	Rollins.
Hankamer.	Ross.
Harris.	Russell.
Head.	Scarborough.
Hicks.	Scott.
Holekamp.	Shults.
Hoskins.	Smith.
Hyder.	Stanfield.
Jackson.	Stinson.
Jones of Runnels.	Tarwater.
Kyle of Hays.	Tennyson.
Laird.	Thomas.
Lindsey.	Turlington.
Lotief.	Van Zandt.
Mackay.	Winningham.
Magee.	Wood.

Nays—30

Anderson	Anderson
of Bexar.	of Johnson.

Bradley.	Latham.
Canon.	McClain.
Chastain.	Metcalf.
Coombes.	Moore.
Few.	Morse.
Fuchs.	Parkhouse.
Greathouse.	Patterson.
Haag.	Reed of Bowie.
Hill of Brazoria.	Steward.
Holland.	Stovall.
Huddleston.	Tillery.
James.	Vaughan.
Jones of Shelby.	Walker.
Kayton.	Young.

Present—Not Voting

Devall.

Absent

Barron.	Hunt.
Beck.	Jefferson.
Bedford.	Johnson
Clayton.	of Anderson.
Cathey.	Jones of Atascosa.
Celaya.	Kyle of Palo Pinto.
Colson.	Leonard.
Daniel.	Long.
Davidson.	Mathis.
Dunlap.	McGregor.
Duvall.	Munson.
Dwyer.	Pope.
Engelhard.	Reader.
Ford.	Rogers of Hunt.
Graves.	Savage.
Harman.	Shannon.
Harrison.	Sullivant.
Hartzog.	Townsend.
Hester.	Wagstaff.
Hodges.	Weinert.
Hughes.	Wells.

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House Bill No. 724 then failed to pass to engrossment by the following vote:

Yeas—46

Alexander.	Celaya.
Anderson	Chastain.
of Bexar.	Coombes.
Anderson	Crossley.
of Johnson.	Fain.
Bradley.	Few.
Burns.	Goodman.
Calvert.	Graves.
Cathey.	Greathouse.

Griffith.	Pavlica.
Hartzog.	Ramsey.
Hill of Brazoria.	Ratliff.
Holekamp.	Rogers
Holland.	of Ochiltree.
Hoskins.	Ross.
Huddleston.	Savage.
James.	Smith.
Jones of Shelby.	Stanfield.
Kayton.	Stovall.
McClain.	Tarwater.
Moffett.	Vaughan.
Moore.	Wagstaff.
Nicholson.	Wood.
Parkhouse.	Young.
Patterson.	

Nays—61

Adamson.	McCullough.
Baker.	McDougald.
Barrett.	McKee.
Bourne.	Merritt.
Butler.	Metcalf.
Camp.	Mitcham.
Clayton.	Morrison.
Cowley.	Morse.
Dean.	Palmer.
Devall.	Puryear.
Dunagan.	Ray.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Good.	Riddle.
Haag.	Roberts.
Hankamer.	Rogers of Hunt.
Harris.	Rollins.
Head.	Russell.
Hicks.	Scarborough.
Hughes.	Scott.
Hunt.	Shults.
Hyder.	Steward.
Jackson.	Stinson.
Jones of Runnels.	Tennyson.
Kyle of Hays.	Thomas.
Latham.	Tillery.
Leonard.	Van Zandt.
Lindsey.	Walker.
Lotief.	Weinert.
Mackay.	Winningham.
Magee.	

Absent

Alsup.	Hester.
Barron.	Hodges.
Beck.	Jefferson.
Bedford.	Johnson
Canon.	of Anderson.
Colson.	Jones of Atascosa.
Daniel.	Kyle of Palo Pinto.
Davidson.	Laird.
Dunlap.	Long.
Duvall.	Mathis.
Dwyer.	McGregor.
Engelhard.	Munson.
Ford.	Pope.
Golson.	Reader.
Harman.	Shannon.
Harrison.	Sullivant.

Townsend.
Turlington.

Wells.

Absent—Excused

Aikin.
Caven.
Fisher.
Hill of Webb.
Holloway.

Johnson
of Dimmit.
Lemens.
Renfro.

Mr. Morse moved to reconsider the vote by which the bill failed to pass to engrossment, and asked to have the motion to reconsider spread on the Journal.

Mr. Van Zandt called up the motion to reconsider, and moved to table the motion.

Question recurring on the motion to table, it prevailed.

HOUSE BILL NO. 733 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage.

H. B. No. 733, A bill to be entitled "An Act defining common carrier pipe lines engaged, or to engage, in the transportation of natural gas; declaring all corporations, persons, partnerships, or associations of persons, now engaged, or to hereafter engage, in transporting natural gas from place to place in this State, to be common carriers, declaring such common carriers to be public utilities and making them subject to the provisions of this Act; giving the Railroad Commission of Texas the power to regulate the rate of such transportation by such common carriers; granting them the right to establish, maintain, and operate telegraph and telephone lines upon their rights of way in connection with their business, and to build and maintain their lines under and across or along streams, highways, and streets, as other common carriers within this State, etc.; and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—69

Adamson.
Alsup.
Anderson
of Johnson.
Baker.
Barrett.
Beck.

Bourne.
Bradley.
Burns.
Chastain.
Cowley.
Crossley.
Daniel.

Dean.
Devall.
Dunagan.
Fain.
Few.
Fuchs.
Glass.
Golson.
Greathouse.
Harman.
Harris.
Hartzog.
Head.
Hester.
Hodges.
Holekamp.
Hoskins.
Huddleston.
Hunt.
Hyder.
James.
Jones of Atascosa.
Jones of Runnels.
Jones of Shelby.
Kyle of Hays.
Latham.
Lindsey.
Long.
Lotief.

Mackay.
Magee.
Merritt.
Metcalle.
Morrison.
Puryear.
Ramsey.
Reed of Bowie.
Roberts.
Rogers of Hunt.
Rogers
of Ochiltree.
Rollins.
Scarborough.
Shults.
Smith.
Steward.
Stovall.
Tarwater.
Tennyson.
Thomas.
Townsend.
Van Zandt.
Vaughan.
Walker.
Winningham.
Wood.
Young.

Nays—36

Alexander.
Anderson
of Bexar.
Butler.
Clayton.
Coombes.
Goodman.
Haag.
Hankamer.
Hicks.
Hill of Brazoria.
Holland.
Hughes.
Jackson.
Laird.
Mathis.
McCullough.
McDougald.
McKee.

Mitcham.
Moffett.
Morse.
Nicholson.
Parkhouse.
Patterson.
Pavlica.
Ratliff.
Ray.
Reed of Dallas.
Ross.
Russell.
Savage.
Stanfield.
Stinson.
Tillery.
Wagstaff.
Weinert.

Absent

Barron.
Bedford.
Calvert.
Camp.
Canon.
Cathey.
Celaya.
Colson.
Davidson.
Dunlap.
Duvall.
Dwyer.
Engelhard.
Ford.
Good.

Graves.
Griffith.
Harrison.
Jefferson.
Johnson
of Anderson.
Kayton.
Kyle of Palo Pinto.
Leonard.
McClain.
McGregor.
Moore.
Munson.
Palmer.
Pope.

Reader.	Sullivant.
Riddle.	Turlington.
Scott.	Wells.
Shannon.	

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

HOUSE BILL NO. 299 ON SECOND READING

Mr. Lindsey moved to take up, for consideration at this time, House Bill No. 299, which bill had heretofore been laid on the table subject to call.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 299, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening, or establishment of stores in this State; prescribing the license and filing fees to be paid therefor, and the disposition thereof, and the power and duties of the Comptroller of Public Accounts in connection therewith, and prescribing penalties for the violation thereof, and declaring an emergency."

The bill was read second time.

Mr. Lindsey offered the following committee amendment to the bill:

Amend House Bill No. 299 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. That from and after the passage of this Act, it shall be unlawful for any person, firm, corporation, association, or co-partnership, either foreign or domestic, to operate, maintain, open, or establish any store in this State without first having obtained a license so to do from the Comptroller of Public Accounts as hereinafter provided.

"Sec. 2. Any person, firm, corporation, association, or co-partnership desiring to operate, maintain, open, or establish a store in this State shall apply to the Comptroller of Public Accounts for a license so to do. The application for a license shall be made on a form which shall be prescribed and furnished by the Comptroller of Public Accounts, and shall set forth

the name of the owner, manager, trustee, lessee, receiver, or other person desiring such license; the name of such store; the location, including the street number of such store; and such other facts as the Comptroller of Public Accounts may require. If the applicant desires to operate, maintain, open, or establish more than one such store, he shall make separate application for a license to operate, maintain, open, or establish each such store, but the respective stores for which the applicant desires to secure licenses may all be listed on one application blank. Each such application shall be accompanied by a filing fee of fifty cents (50c) and by the license fee as prescribed in Section 5 of this Act.

"Sec. 3. As soon as practicable, after the receipt of any such application, the Comptroller of Public Accounts shall carefully examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If, upon such examination, the Comptroller of Public Accounts shall find that any such application is not in proper form and does not contain the necessary and requisite information, he shall return such application for correction. If an application is found to be satisfactory, and if the filing and license fee, as herein prescribed, shall have been paid, the Comptroller of Public Accounts shall issue to the applicant a license for each store for which an application for a license shall have been made. Each licensee shall display the license so issued in a conspicuous place in the store for which such license is issued.

"Sec. 4. All licenses shall be so issued as to expire on the thirty-first day of December of each calendar year. On or before the first day of January of each year, every person, firm, corporation, association, or co-partnership having a license shall apply to the Comptroller of Public Accounts for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the Comptroller of Public Accounts. No license shall lapse prior to the thirty-first day of January of the year for which such license was issued, and if, by such thirty-first day of January, an application for a renewal license has

not been made, the Comptroller of Public Accounts shall notify such delinquent license holder thereof, by registered mail, and if application is not made for and a renewal license issued on or before the last day of February, next ensuing, the former license shall lapse and become null and void. Each such application for a renewal license shall be accompanied by a filing fee of fifty cents (50c) and by the license fee as prescribed in Section 5 of this Act.

"Sec. 5. Every person, firm, corporation, association, or co-partnership opening, establishing, operating, or maintaining one or more stores or mercantile establishments within this State, under the same general management, supervision, or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating, or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually, and shall be in addition to the filing fee prescribed in Sections 2 and 4 of this Act, provided that the terms 'store,' 'stores,' 'mercantile establishment,' or 'mercantile establishments,' wherever used in this Act, shall not include wholesale and/or retail lumber and building material business, and provided further, that the terms 'store,' 'stores,' 'mercantile establishment,' and 'mercantile establishments,' wherever used in this Act, shall not be construed to mean or include any place of business at which the principal business conducted is that of selling or distributing petroleum products.

"The license fees herein prescribed shall be as follows:

"(1) Upon one store, the annual license fee shall be one dollar (\$1) for each such store;

"(2) Upon two stores or more, but not to exceed five stores, the annual license fee shall be ten dollars (\$10) for each such additional store;

"(3) Upon each store in excess of five, but not to exceed ten, the annual license fee shall be twenty dollars (\$20) for each such additional store;

"(4) Upon each store in excess of ten, but not to exceed twenty, the annual license fee shall be twenty-five dollars (\$25) for each such additional store;

"(5) Upon each store in excess of twenty, the annual license fee shall be thirty-five dollars (\$35) for each such additional store.

"Sec. 6. Each and every license issued prior to the first day of July of any year shall be charged for at the full rate, and each and every license issued on or after the first day of July of any year shall be charged for at one-half of the full rate as prescribed in Section 5 of this Act.

"Sec. 7. The provisions of this Act shall be construed to apply to every person, firm, corporation, co-partnership, or association, either domestic or foreign, which is controlled, or held with others, by majority stock ownership or ultimately controlled or directed by one management or association of ultimate management.

"Sec. 8. The term 'store,' as used in this Act, shall be construed to mean and include any store or stores or any mercantile establishment or establishments which are owned, operated, maintained, or controlled by the same person, firm, corporation, co-partnership, or association, either domestic or foreign, in which goods, wares, or merchandise of any kind, are sold, either at retail or wholesale, provided that the terms 'store,' 'stores,' 'mercantile establishment,' or 'mercantile establishments,' wherever used in this Act, shall not include wholesale and/or retail lumber and building material business, and provided further, that the terms 'store,' 'stores,' 'mercantile establishment,' and 'mercantile establishments,' wherever used in this Act, shall not be construed to mean or include any place of business at which the principal business conducted is that of selling or distributing petroleum products.

"Sec. 9. Any person, firm, corporation, co-partnership, or association who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), and each and every day that such violation shall continue shall constitute a separate and distinct offense.

"Sec. 10. Any and all expenses incurred by the Comptroller of Public

Accounts in the administration of this Act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this Act. All money collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be paid into the State Treasury, monthly, by the Comptroller of Public Accounts, and shall be added to and shall constitute a part of the Available Public School Funds.

"Sec. 11. The Comptroller of Public Accounts is hereby authorized to employ such clerical assistants as may be necessary to carry out and administer the provisions of this Act, and to prepare such blanks, forms, reports, receipts, and any and all other things which may be necessary to provide for the administration of this Act, and to pay any and all possible expenses so incurred out of the fund collected under the provisions of this Act.

"The sum of two thousand dollars (\$2,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the General Fund of the State Treasury, not otherwise appropriated, to be available upon the taking effect of this Section, and to be used by the Comptroller of Public Accounts in defraying any expenses which may be incurred in the administration and in preparing to administer this Act before sufficient funds shall have been collected from license fees as hereinbefore provided. As soon as a sufficient amount of license fees shall have been collected under the provisions of this Act, the two thousand dollars hereby appropriated, or so much thereof as shall not have been used, shall be returned to the General Fund.

"Sec. 12. If any section, provision, or clause of this Act should be declared invalid, such invalidity shall not be construed to affect the portions of the Act not so held invalid.

"Sec. 13. The fact that the schools of this State are in dire need of financial support, and the fact that education of the youth is one of the paramount duties of the State, and the fact that unless some restitution is provided, it is possible that our system of free public schools will deteriorate and disappear create an emergency and an imperative public necessity demanding the suspension of the constitutional rule, that a bill be read on

three several days in each House, and such constitutional rule is hereby suspended, and this Act shall take effect and be in force from and after its final passage, and it is so enacted."

Mr. Lindsey and others offered the following amendment to the committee amendment:

Amend committee substitute for House Bill No. 299 by striking out, on page 3, lines 17 to 31, inclusive, and insert the following in lieu thereof:

"The license fees herein prescribed shall be as follows:

"(1) Upon one store, the license fee shall be \$3;

"(2) Upon two stores, the license fee shall be \$6;

"(3) Upon each store in excess of two but not to exceed five, the license fee shall be \$25;

"(4) Upon each store in excess of five but not to exceed ten, the license fee shall be \$50;

"(5) Upon each store in excess of ten but not to exceed twenty-five, the license fee shall be \$150;

"(6) Upon each store in excess of twenty-five but not to exceed fifty, the license fee shall be \$250;

"(7) Upon each store in excess of fifty, the license fee shall be \$500."

LINDSEY,
COLSON,
PALMER,
HESTER.

Mr. Savage offered the following substitute for the amendment to the amendment:

Substitute for amendment to committee amendment No. 1 to House Bill No. 299 by striking out all of Section 5, page 2, starting in line 40, down to and including line 31, page 3, and inserting in lieu thereof the following:

"Section 5. Every domestic person, firm, corporation, co-partnership, or voluntary association of merchants banded together for collective buying, or to secure other collective advantages, opening, establishing, operating, maintaining, supervising, or servicing one or more stores or mercantile establishments in this State, under the same general management, supervision, or ownership, shall pay, in addition to the filing fee prescribed in Sections 2 and 4 of this Act, the following license fees for the privi-

leges of opening, establishing, operating, maintaining, supervising, or servicing such stores or mercantile establishments:

"(1) Upon one store, the annual license fee shall be one dollar (\$1) for each such store;

"(2) Upon two stores or more, but not to exceed five stores, the annual license fee shall be ten dollars (\$10) for each such additional store;

"(3) Upon each store in excess of five but not to exceed ten, the annual license fee shall be twenty dollars (\$20) for each such additional store;

"(4) Upon each store in excess of ten but not to exceed twenty, the annual license fee shall be twenty-five dollars (\$25) for each such additional store;

"(5) Upon each store in excess of twenty, the annual license fee shall be thirty-five dollars (\$35) for each such additional store.

"Every foreign corporation, firm, co-partnership, or voluntary association of merchants banded together for collective buying, or to secure other collective advantages, and every non-resident person, opening, establishing, operating, maintaining, supervising, or servicing one or more stores or mercantile establishments in this State, under the same general management, supervision, or ownership, shall pay, in addition to the filing fee prescribed in Sections 2 and 4 of this Act, the following license fees for the privilege of opening, establishing, operating, maintaining, supervising, or servicing such stores or mercantile establishments:

"(1) Upon one store, the annual license fee shall be two dollars (\$2) for each such store;

"(2) Upon two stores or more but not to exceed five stores, the annual license fee shall be twenty dollars (\$20) for each such additional store;

"(3) Upon each store in excess of five but not to exceed ten, the annual license fee shall be forty dollars (\$40) for each such additional store;

"(4) Upon each store in excess of ten but not to exceed twenty, the annual license fee shall be fifty dollars (\$50) for each such additional store;

"(5) Upon each store in excess of twenty, the annual license fee shall be seventy dollars (\$70) for each such additional store."

SAVAGE,
PARKHOUSE.

Mr. Lindsey moved to table the substitute amendment.

The motion to table prevailed.

Question next recurring on the amendment by Mr. Lindsey to the amendment, it was adopted.

Mr. Patterson offered the following amendment to the amendment:

Amend committee substitute to House Bill No. 299 by striking out on page 4, line 8, the word "either," and line 9, the words "or wholesale," and at the end of Section 8, add the following:

"Provided the provisions of this Act shall not apply to branch houses and or places used as bona fide distributing points by manufacturing concerns."

PATTERSON,
LINDSEY,
WALKER.

The amendment was adopted.

Mr. Lindsey offered the following amendment to the amendment:

Amend committee substitute for House Bill No. 299 by striking out on page 4 all of Section 10, and insert the following in lieu thereof:

"The expenses incurred by the Comptroller of Public Accounts in the administration of this Act shall be paid out of the appropriation in this Act or as much thereof as may be necessary. All money and fees collected under the provisions of this Act shall be paid into the State Treasury monthly by the Comptroller of Public Accounts and shall be credited by the State Treasurer to the account of the Available Public School Funds."

LINDSEY,
COLSON,
PALMER,
HESTER.

The amendment was adopted.

Mr. Lindsey offered the following amendment to the amendment:

Amend the committee substitute for House Bill No. 299 by striking out Section 11, on page 4, and substitute the following in lieu thereof:

"Section 11. The Comptroller of Public Accounts is hereby authorized to employ such clerical assistants as may be necessary to carry out and administer the provisions of this Act, and to prepare such blanks, forms, reports, receipts, and any and all

other things which may be necessary to provide for the administration of this Act.

"The sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to be available upon the taking effect of this Section and to be used by the Comptroller of Public Accounts in defraying any expenses which may be incurred in the administration and in preparing to administer this Act."

LINDSEY,
COLSON,
PALMER,
HESTER.

Mr. Kayton, by unanimous consent, offered the following amendment to the amendment by Mr. Lindsey:

Amend the Lindsey amendment by adding thereto the following:

"Provided, however, that all salaries and traveling expenses to be paid out of this appropriation must be paid for similar positions and duties as authorized in the Departmental Appropriation Bill for 1934-1935."

The amendment was adopted.

The amendment by Mr. Lindsey was then adopted.

Mr. Chastain offered the following amendment to the committee amendment:

Amend Section 8, of House Bill No. 299, by adding thereto the following:

"And the provision of this Act shall not apply to any person, firm, or corporation which now pays an occupation tax based upon the gross receipts of such business."

Mr. Wells moved the previous question on the pending amendment, the amendments on the Speaker's desk, and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Chastain, it was lost.

Mr. Parkhouse offered the following amendment to the committee amendment:

Amend House Bill No. 299 by putting a "period" after the word "business," in line 12, and striking out balance of line 12, and lines 13, 14, 15, 16, and 17, on page 4.

The amendment was lost.

Mr. Jones of Atascosa offered the following amendment to the committee amendment:

Amend amendment to House Bill No. 299 by striking out all after the word "act" in line 8, page 3, down to and including line 16.

Question recurring on the amendment by Mr. Jones of Atascosa, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—37

Baker.	Hill of Brazoria.
Beck.	Holekamp.
Bourne.	Hughes.
Burns.	Jefferson.
Chastain.	Jones of Atascosa.
Coombes.	Kayton.
Daniel.	Kyle of Hays.
Davidson.	Mackay.
Dunlap.	Palmer.
Dwyer.	Parkhouse.
Fain.	Reed of Bowie.
Ford.	Roberts.
Fuchs.	Rollins.
Goodman.	Russell.
Griffith.	Scott.
Haag.	Stanfield.
Harman.	Turlington.
Harrison.	Weinert.
Head.	

Nays—70

Adamson.	Long.
Alexander.	Lotief.
Alsup.	Magee.
Anderson	Mathis.
of Johnson.	McClain.
Barrett.	McDougald.
Bradley.	McKee.
Calvert.	Merritt.
Canon.	Metcalfe.
Clayton.	Mitcham.
Cowley.	Moffett.
Crossley.	Moore.
Devall.	Morrison.
Dunagan.	Morse.
Engelhard.	Patterson.
Glass.	Pavlica.
Golson.	Pope.
Good.	Puryear.
Harris.	Ramsey.
Hartzog.	Ratliff.
Hester.	Reed of Dallas.
Hodges.	Savage.
Holland.	Scarborough.
Huddleston.	Shults.
Jackson.	Smith.
James.	Steward.
Jones of Runnels.	Stinson.
Jones of Shelby.	Stovall.
Laird.	Sullivan.
Latham.	Tarwater.
Lindsey.	Tennyson.

Thomas.
Tillery.
Townsend.
Van Zandt.
Vaughan.

Walker.
Wells.
Winningham.
Wood.

Absent

Anderson of Bexar.	Johnson of Anderson.
Barron.	Kyle of Palo Pinto.
Bedford.	Leonard.
Butler.	McCullough.
Camp.	McGregor.
Cathey.	Munson.
Celaya.	Nicholson.
Colson.	Ray.
Dean.	Reader.
Duvall.	Riddle.
Few.	Rogers of Hunt.
Graves.	Rogers of Ochiltree.
Greathouse.	Ross.
Hankamer.	Shannon.
Hicks.	Wagstaff.
Hoskins.	Young.
Hunt.	
Hyder.	

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

Mr. Stinson offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 299 by adding, after Section 8, page 4, line 17, the following:

"The provisions of this Act shall not apply to persons, firms, and/or corporations who are now, or who may hereafter be, required by law to pay the State of Texas a gross production or a gross receipts tax upon business done by such person, firm, or corporation."

Mr. Lindsey raised a point of order on further consideration of the amendment, on the ground that the amendment contains the same subject matter as one heretofore defeated by the House.

The Speaker sustained the point of order.

The committee amendment as amended was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 299 was then passed to engrossment by the following vote:

Yeas—91

Adamson.	Long.
Alsup.	Lotief.
Anderson	Mackay.
of Bexar.	Magee.
Anderson	McClain.
of Johnson.	McCullough.
Beck.	McDougald.
Bradley.	McKee.
Burns.	Merritt.
Calvert.	Metcalfe.
Camp.	Mitcham.
Canon.	Moffett.
Clayton.	Morrison.
Crossley.	Nicholson.
Daniel.	Palmer.
Devall.	Pavlica.
Dunagan.	Puryear.
Fain.	Ramsey.
Few.	Ratliff.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Golson.	Riddle.
Good.	Roberts.
Greathouse.	Rogers
Griffith.	of Ochiltree.
Haag.	Rollins.
Hankamer.	Ross.
Harris.	Russell.
Hartzog.	Scott.
Head.	Shults.
Hester.	Smith.
Hodges.	Stanfield.
Holekamp.	Steward.
Holland.	Stovall.
Hoskins.	Sullivant.
Huddleston.	Tarwater.
Hunt.	Tennyson.
Hyder.	Tillery.
James.	Turlington.
Jefferson.	Van Zandt.
Jones of Runnels.	Vaughan.
Jones of Shelby.	Wagstaff.
Kayton.	Walker.
Kyle of Hays.	Weinert.
Laird.	Wells.
Latham.	Winningham.
Lindsey.	Wood.

Nays—24

Alexander.	Hill of Brazoria.
Baker.	Hughes.
Barrett.	Jackson.
Bourne.	Mathis.
Chastain.	Morse.
Coombes.	Patterson.
Davidson.	Pope.
Dunlap.	Ray.
Dwyer.	Savage.
Ford.	Scarborough.
Harman.	Stinson.
Hicks.	Thomas.

Present—Not Voting
Dean. Goodman.
Absent

Barron.	Jones of Atascosa.
Bedford.	Kyle of Palo Pinto.
Butler.	Leonard.
Cathey.	McGregor.
Celaya.	Moore.
Colson.	Munson.
Cowley.	Parkhouse.
Duvall.	Reader.
Engelhard.	Rogers of Hunt.
Graves.	Shannon.
Harrison.	Townsend.
Johnson of Anderson.	Young.

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

HOUSE BILL NO. 299 ON THIRD READING

Mr. Lindsey moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 299 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92

Adamson.	Harman.
Alexander.	Harris.
Alsup.	Harrison.
Anderson	Hartzog.
of Johnson.	Head.
Barron.	Hester.
Beck.	Hicks.
Bradley.	Hodges.
Burns.	Holekamp.
Calvert.	Holland.
Camp.	Hoskins.
Canon.	Huddleston.
Caven.	Hunt.
Clayton.	Hyder.
Crossley.	James.
Daniel.	Jefferson.
Devall.	Johnson
Dunagan.	of Anderson.
Fain.	Jones of Atascosa.
Few.	Jones of Runnels.
Fuchs.	Jones of Shelby.
Glass.	Kyle of Hays.
Golson.	Laird.
Greathouse.	Latham.
Griffith.	Lindsey.
Haag.	Lotief.
Hankamer.	Mackay.

Magee.	Scott.
Mathis.	Shults.
McClain.	Smith.
McCullough.	Stanfield.
McKee.	Steward.
Merritt.	Stovall.
Metcalfe.	Sullivant.
Morrison.	Tarwater.
Nicholson.	Tennyson.
Palmer.	Thomas.
Pavlica.	Tillery.
Purveyar.	Turlington.
Ramsey.	Van Zandt.
Ratliff.	Vaughan.
Reed of Bowie.	Wagstaff.
Riddle.	Walker.
Roberts.	Weinert.
Rollins.	Wells.
Ross.	Winningham.
Russell.	Wood.

Nays—22

Baker.	Kayton.
Barrett.	Long.
Bourne.	Moffett.
Chastain.	Morse.
Coombes.	Parkhouse.
Davidson.	Pope.
Dwyer.	Ray.
Ford.	Reed of Dallas.
Goodman.	Savage.
Hill of Brazoria.	Scarborough.
Hughes.	Stinson.

Absent

Anderson	Kyle of Palo Pinto.
of Bexar.	Leonard.
Bedford.	McDougald.
Butler.	McGregor.
Cathey.	Mitcham.
Celaya.	Moore.
Colson.	Munson.
Cowley.	Patterson.
Dean.	Reader.
Dunlap.	Rogers of Hunt.
Duvall.	Rogers of Ochiltree.
Engelhard.	Shannon.
Good.	Townsend.
Graves.	Young.
Jackson.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
Holloway.	Renfro.

The Speaker then laid House Bill No. 299 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—92

Adamson.	Lindsey.
Alsup.	Long.
Anderson	Lotief.
of Johnson.	Mackay.
Beck.	Magee.
Bradley.	McClain.
Burns.	McCullough.
Calvert.	McDougald.
Camp.	McKee.
Canon.	Merritt.
Caven.	Metcalfe.
Clayton.	Mitcham.
Cowley.	Moffett.
Crossley.	Morrison.
Daniel.	Nicholson.
Devall.	Palmer.
Dunagan.	Pavlica.
Engelhard.	Puryear.
Fain.	Ramsey.
Few.	Ratliff.
Fuchs.	Reed of Bowie.
Glass.	Riddle.
Golson.	Roberts.
Greathouse.	Rogers
Griffith.	of Ochiltree.
Haag.	Rollins.
Hankamer.	Ross.
Harris.	Scott.
Harrison.	Shults.
Hartzog.	Smith.
Head.	Stanfield.
Hester.	Steward.
Hicks.	Stovall.
Hodges.	Sullivant.
Holekamp.	Tarwater.
Holland.	Tennyson.
Hoskins.	Tillery.
Huddleston.	Turlington.
Hyder.	Van Zandt.
James.	Vaughan.
Jefferson.	Wagstaff.
Jones of Atascosa.	Walker.
Jones of Runnels.	Weinert.
Jones of Shelby.	Wells.
Kyle of Hays.	Winningham.
Laird.	Wood.
Latham.	Young.

Nays—24

Alexander.	Kayton.
Baker.	Mathis.
Barrett.	Morse.
Bourne.	Parkhouse.
Chastain.	Patterson.
Coombes.	Pope.
Davidson.	Ray.
Dwyer.	Reed of Dallas.
Ford.	Savage.
Hill of Brazoria.	Scarborough.
Hughes.	Stinson.
Jackson.	Thomas.

Present—Not Voting

Goodman.	Hunt.
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Absent

Anderson	Harman.
of Bexar.	Johnson
Barron.	of Anderson.
Bedford.	Kyle of Palo Pinto.
Butler.	Leonard.
Cathey.	McGregor.
Celaya.	Moore.
Colson.	Munson.
Dean.	Reader.
Dunlap.	Rogers of Hunt.
Duvall.	Russell.
Good.	Shannon.
Graves.	Townsend.

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
Holloway.	Renfro.

Mr. Lindsey moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTES

I would vote for House Bill No. 299 in substantially the form of committee amendment No. 1. I believe the bill with the taxes as provided therein would be fair and just; but I believe the Lindsey amendment to be unreasonable and confiscatory, and same is designed to destroy the chain stores, instead of taxing such stores. I, therefore, vote against the bill as amended.

STINSON.

I voted "no" on final passage of House Bill No. 299 as I considered the tax so high as to subject to being held confiscatory and therefore unconstitutional.

KAYTON.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 94, Authorizing the Enrolling Clerk of the House to make certain corrections in conference committee report to House Bill No. 167.

S. C. R. No. 73, Urging the Federal Government to purchase lands in Texas for park purposes, in order to assist the unemployment situation in this State.

S. C. R. No. 71, Relative to sine die adjournment, by the following vote: Yeas, 16; nays, 9.

H. C. R. No. 83, Authorizing certain corrections to be made in House Bill No. 169.

Respectfully,
BOB BARKER,
Secretary of the Senate.

PROVIDING FOR ADJOURNMENT SINE DIE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 71, Providing for adjournment sine die.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Regular Session of the Forty-third Legislature stand adjourned sine die at 6 o'clock p. m., Tuesday, May 30, 1933.

The resolution was read second time.

Mr. Goodman moved that the resolution be laid on the table subject to call.

The motion prevailed by the following vote:

Yeas—84

Adamson.	Few.
Alexander.	Ford.
Alsup.	Fuchs.
Anderson	Golson.
of Johnson.	Good.
Baker.	Goodman.
Barrett.	Greathouse.
Barron.	Griffith.
Beck.	Hankamer.
Bourne.	Harris.
Bradley.	Hartzog.
Burns.	Head.
Calvert.	Hester.
Camp.	Hicks.
Chastain.	Hill of Brazoria.
Clayton.	Hodges.
Coombes.	Holland.
Crossley.	Hoskins.
Daniel.	Huddleston.
Davidson.	Hughes.
Devall.	Hunt.
Engelhard.	Jackson.

James.	Roberts.
Jones of Runnels.	Rogers of Hunt.
Jones of Shelby.	Rogers
Kayton.	of Ochiltree.
Laird.	Rollins.
Latham.	Ross.
Leonard.	Russell.
Lindsey.	Savage.
Lotief.	Scarborough.
Mackay.	Steward.
Magee.	Stinson.
McKee.	Stovall.
Merritt.	Sullivant.
Mitcham.	Tennyson.
Moffett.	Thomas.
Palmer.	Townsend.
Parkhouse.	Turlington.
Pope.	Van Zandt.
Puryear.	Walker.
Ratliff.	Weinert.
Reed of Dallas.	Wood.

Nays—35

Anderson	Morrison.
of Bexar.	Morse.
Canon.	Nicholson.
Celaya.	Patterson.
Cowley.	Pavlica.
Dean.	Ray.
Dunagan.	Reed of Bowie.
Dwyer.	Scott.
Fain.	Shults.
Glass.	Smith.
Harrison.	Stanfield.
Holekamp.	Tarwater.
Hyder.	Tillery.
Jones of Atascosa.	Vaughan.
Long.	Wagstaff.
Mathis.	Wells.
McDougald.	Winningham.
Moore.	Young.

Absent

Bedford.	Kyle of Hays.
Butler.	Kyle of Palo Pinto.
Cathey.	McClain.
Colson.	McCullough.
Dunlap.	McGregor.
Duvall.	Metcalfe.
Graves.	Munson.
Haag.	Ramsey.
Harman.	Reader.
Jefferson.	Riddle.
Johnson	Shannon.
of Anderson.	

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on Senate Bill No. 551 by the following vote: Yeas, 29; nays, 0.

The Senate has passed

H. B. No. 70, A bill to be entitled "An Act to amend Article 904, Penal Code of the State of Texas, 1925, relating to fees for hunting by a resident of this State hunting outside of the county of his residence, and to non-residents and aliens hunting in this State, fixing the fees for same; providing for the issuance of such licenses; etc." (With amendments.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

NOTICE GIVEN

Mr. Moore gave notice that he would, on the next legislative day, move to take up, for consideration at that time,

S. C. R. No. 71, Providing for adjournment sine die.

HOUSE BILL NO. 43 ON SECOND READING

Mr. McClain moved to take up, for consideration at this time, House Bill No. 43, which bill had heretofore been laid on the table subject to call.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 43, A bill to be entitled "An Act creating a District Court for Montgomery County, Texas, constituted and to be known as the One Hundred and Twenty-seventh Judicial District Court of Texas; prescribing the terms for said Court, fixing the duration of this Act; providing the disposition of the records of said Court at the expiration of said One Hundred and Twenty-seventh Judicial District Court, etc., and declaring an emergency."

The bill was read second time.

Mr. McClain offered the following committee amendment to the bill:

Amend House Bill No. 43 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. There is hereby created a court to be held in Montgomery County, Waller County, Polk County, and San Jacinto County, Texas, to be called the Special Ninth District Court of Montgomery, Waller, Polk, and San Jacinto Counties, Texas.

"Sec. 2. Said Special Ninth District Court of Montgomery, Waller, Polk, and San Jacinto Counties shall have concurrent jurisdiction with the District Court of the Ninth Judicial District of all matters and causes of civil and criminal nature in Montgomery, Waller, Polk, and San Jacinto Counties over which, under the Constitution and general laws of the State of Texas, the District Court of said Ninth Judicial District of Texas has original and appellate jurisdiction.

"Sec. 3. The judge of the Ninth Judicial District of Texas may, in his discretion, either in term time or in vacation, by order entered upon the minutes of the District Court of Montgomery, Waller, Polk, or San Jacinto Counties, transfer any case or cases that may, at that time, be pending in said district court of that county to the Special Ninth District Court of Montgomery, Waller, Polk, and San Jacinto Counties, created by this Act, and holding session in that county, and said Special Ninth District Court shall have the same power and authority to try and finally dispose of such case, or cases, so transferred as the court possessed from which the same were transferred; and the judge of said Special Ninth District Court may, in his discretion, either in term or in vacation, by order, or orders, entered upon the minutes of his court in any of the counties for which the said Special Ninth District Court is created, transfer any case, or cases, pending upon his docket to the District Court of the Ninth Judicial District holding sessions in the county, and when said case, or cases, are transferred, the court to which the transfer is made shall have the same right and authority to try and finally dispose of same as was originally had by said Special Ninth District Court.

"Sec. 4. Any party or person desiring to bring a suit over which the District Court of the Ninth Judicial District has jurisdiction in Montgomery, Waller, Polk, or San Jacinto Counties, shall have the right to file the same either in said court or in the Special Ninth District Court hereby created, subject to the right of the judges of said courts to transfer the same as herein provided.

"Sec. 5. The clerk of the district court of each of the Counties of Montgomery, Waller, Polk, and San Jacinto, and his successors in office, shall be the clerk of the Ninth Judicial Court in his county, and also the clerk of the Special Ninth District Court in his county, and shall perform all duties pertaining to the clerkship of each of said courts.

"Sec. 6. The Governor of the State of Texas is hereby authorized and empowered to appoint some person having the qualifications provided by law for district judges, as judge of said Special Ninth District Court, who shall hold his office for the duration of the term for which said court is created. The compensation of the judge of the Special Ninth District Court of Montgomery, Waller, Polk, and San Jacinto Counties hereby created shall be the same as the compensation paid to the judges of other district courts, including the expenses as provided for in Article 6820, Revised Civil Statutes, 1925; and the Comptroller of the State of Texas is hereby authorized to draw his warrant upon the State Treasurer for such payment; and the compensation herein provided for shall be paid in the manner in which other district judges of the State of Texas are paid.

"Sec. 7. There is hereby conferred upon said Special Ninth District Court, and upon the judge thereof all of the rights, powers, privileges, and duties that are given by law to the district court and district judges of this State, and all laws of the State of Texas with reference to district courts and district judges shall be deemed equally applicable to said Special Ninth District Court and the judge thereof, except as herein specially excepted.

"Sec. 8. The district judge of said Special Ninth District Court may, in his discretion, impanel grand juries

and try and dispose of any and all criminal cases that may be filed in said Special Ninth District Court, or transferred thereof from the District Court in the Ninth Judicial District.

"Sec. 9. There is hereby conferred upon said District Court, all of the rights, powers, privileges, and duties that are given by law to the district courts of this State, and all laws of the State of Texas with reference to district courts shall be deemed equally applicable to said Special Ninth District Court, except as herein specially excepted.

"Sec. 10. The terms of said Special Ninth District Court created by this Act in Montgomery, Waller, Polk, and San Jacinto Counties, Texas, shall be as follows:

"In Montgomery County the court shall meet on the first Monday in January of each year, and may continue in session eight weeks; on the eighth Monday after the first Monday in January, and may continue in session eight weeks; on the first Monday in July of each year, and may continue in session eight weeks; and on the eighth Monday after the first Monday in July, and continue in session eight weeks.

"In Waller County, the court shall meet on the twenty-fourth Monday after the first Monday in January of each year, and may continue in session two weeks; and on the twenty-fourth Monday after the first Monday in July of each year, and may continue in session two weeks.

"In Polk County, the court shall meet on the eighteenth Monday after the first Monday in January of each year, and may continue in session six weeks; and on the eighteenth Monday after the first Monday in July of each year, and may continue in session six weeks.

"In San Jacinto County, the court shall meet on the sixteenth Monday after the first Monday in January, and may continue in session two weeks, and on the sixteenth Monday after the first Monday in July of each year, and may continue in session two weeks.

"Sec. 11. The district clerks of Montgomery, Waller, Polk, and San Jacinto Counties shall, immediately upon the taking effect of this Act, secure a seal, having engraved a star of five points in the center, and the words 'Special Ninth District Court

of Montgomery County, Texas,' the imprints of which shall be attached to all process, except subpoenas issued out of said district court, and shall be kept by said clerk and used to authenticate his official acts as clerk of said court.

"Sec. 12. Said Special Ninth District Court of Montgomery, Waller, Polk, and San Jacinto Counties created by this Act shall cease to exist two years from the date of the taking effect of this Act, at which time the term of office of the judge of said court shall expire by limitation of law and the provisions of this Act, except those as embodied in Section 13 herein.

"Sec. 13. At the expiration of the term for which said Special Ninth District Court is created, the judge thereof shall deliver all the dockets and records of said court to the clerks of the District Courts of Montgomery, Waller, Polk, and San Jacinto Counties for preservation, and any case or cases pending upon the dockets of said Special Ninth District Court at the time shall be, by said clerks, transferred to the docket of the District Court of the Ninth Judicial District of the county in which said causes are pending. The Judge of said Special Ninth District Court shall also have authority and power, after the expiration of his term of office, to approve any and all statements of fact, bill of exception, or make any other order necessary in cases tried in said Special Ninth District Court and appealed.

"Sec. 14. Nothing in this Act shall be construed as in any way affecting the process, terms, jurisdiction, or authority of the District Court of the Ninth Judicial District of Texas, except as herein specially conferred upon said Special Ninth District Court hereby created, and all process issued in any case pending in the District Court of the Ninth Judicial District shall be equally valid in any case or cases transferred to said District Court.

"Sec. 15. The Judge of said Special Ninth District Court may, in his discretion, from time to time, order drawn and convened, a grand jury in the Counties of Montgomery, Waller, Polk, and San Jacinto as he may deem proper and necessary.

"Sec. 16. All laws or parts of laws in conflict with the provisions of this Act shall be, and the same are hereby, repealed.

"Sec. 17. If any section, paragraph, or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs, or provisions of this Act, but the same shall remain in full force and effect.

"Sec. 18. This Act shall take effect and be operative on and after the passage of this bill.

"Sec. 19. The crowded condition of the docket in the District Courts of Montgomery, Waller, Polk, and San Jacinto Counties, and the inability of parties litigant to have their cases heard and disposed of without unusual and disastrous delay, create an emergency and an imperative public necessity and that the constitutional rule, requiring bills to be read on three successive days in each House, be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force immediately from the date of its passage, and it is so enacted."

Mr. McClain offered the following amendment to the committee amendment:

Amend committee amendment No. 2 to House Bill No. 43, page 7, Section 9, line 34, by inserting the following words in front of the word "District": "Special Ninth."

The amendment was adopted.

Mr. McClain offered the following amendments to the committee amendment:

(1)

Amend committee amendment No. 2 to House Bill No. 43, page 8, Section 11, line 31, by inserting the following words before the word "District": "Special Ninth."

(2)

Amend committee amendment No. 2, to House Bill No. 43, page 9, Section 14, line 18, by adding the following words before the word "District": "Special Ninth."

(3)

Amend committee amendment No. 2 to House Bill No. 43, page 9,

line 32, by adding the following words: "the final passage of this bill."

The amendments were severally adopted.

Mr. Van Zandt offered as a substitute for the committee amendment by Mr. McClain, an amendment which provides that the entire State be re-districted into Judicial Districts.

Mr. Moore raised a point of order on further consideration of the amendment by Mr. Van Zandt at this time, on the ground that it changes the purpose of the original bill, and is not germane.

The Speaker sustained the point of order.

Mr. Van Zandt moved that Section 7 of Rule XX, of the House Rules, be suspended for the purpose of offering the amendment.

The motion was lost by the following vote:

Yeas—49

Adamson.	McCullough.
Alexander.	McKee.
Alsup.	Metcalfe.
Baker.	Moffett.
Canon.	Parkhouse.
Chastain.	Puryear.
Devall.	Ramsey.
Dunagan.	Ray.
Engelhard.	Rogers
Fain.	of Ochiltree.
Fuchs.	Rollins.
Glass.	Savage.
Good.	Scott.
Goodman.	Shults.
Haag.	Stanfield.
Hicks.	Steward.
Hill of Brazoria.	Sullivan.
Hunt.	Tennyson.
James.	Thomas.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Vaughan.
Lindsey.	Walker.
Long.	Weinert.
Lotief.	Winningham.
Mackay.	Wood.

Nays—64

Barrett.	Dwyer.
Beck.	Few.
Bourne.	Ford.
Bradley.	Golson.
Calvert.	Greathouse.
Clayton.	Griffith.
Coombes.	Hankamer.
Cowley.	Harrison.
Crossley.	Hartzog.
Dean.	Head.
Dunlap.	Hester.

Hodges.	Palmer.
Holekamp.	Patterson.
Holland.	Pavlica.
Huddleston.	Pope.
Hughes.	Ratliff.
Hyder.	Reed of Bowie.
Jackson.	Reed of Dallas.
Jones of Shelby.	Riddle.
Kayton.	Roberts.
Laird.	Ross.
Latham.	Russell.
Magee.	Scarborough.
Mathis.	Smith.
McClain.	Stinson.
McDougald.	Stovall.
Merritt.	Tarwater.
Mitcham.	Tillery.
Moore.	Townsend.
Morrison.	Turlington.
Morse.	Wagstaff.
Nicholson.	Wells.

Present—Not Voting

Davidson.

Absent

Anderson	Harman.
of Bexar.	Harris.
Anderson	Hoskins.
of Johnson.	Jefferson.
Barron.	Johnson
Bedford.	of Anderson.
Burns.	Kyle of Hays.
Butler.	Kyle of Palo Pinto.
Camp.	Leonard.
Cathey.	McGregor.
Celaya.	Munson.
Colson.	Reader.
Daniel.	Rogers of Hunt.
Duvall.	Shannon.
Graves.	Young.

Absent—Excused

Aikin.	Johnson
Caven.	of Dimmit.
Fisher.	Lemens.
Hill of Webb.	Renfro.
Holloway.	

The committee amendment as amended was then adopted.

By unanimous consent of the House, the captain of the bill was ordered amended to conform to all changes made in the body of the bill.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House Bill No. 43 was then passed to engrossment by the following vote:

Yeas—67

Bradley.	Burns.
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Calvert.	Mathis.
Camp.	McClain.
Chastain.	McCullough.
Clayton.	McKee.
Cowley.	Merritt.
Crossley.	Metcalfe.
Daniel.	Moffett.
Davidson.	Moore.
Dunlap.	Morse.
Dunagan.	Nicholson.
Few.	Palmer.
Ford.	Pavlica.
Fuchs.	Pope.
Glass.	Ramsey.
Golson.	Reed of Dallas.
Griffith.	Roberts.
Hankamer.	Rogers
Harman.	of Ochiltree.
Harrison.	Ross.
Head.	Russell.
Hill of Brazoria.	Scarborough.
Holekamp.	Smith.
Holland.	Stanfield.
Hughes.	Steward.
Hyder.	Sullivant.
Jackson.	Thomas.
Jones of Runnels.	Townsend.
Laird.	Turlington.
Latham.	Van Zandt.
Lindsey.	Wagstaff.
Lotief.	Wells.
Mackay.	Winningham.
Magee.	Wood.

Nays—42

Adamson.	Jefferson.
Alexander.	Long.
Alsup.	McDougald.
Baker.	Mitcham.
Barrett.	Morrison.
Beck.	Parkhouse.
Bourne.	Patterson.
Canon.	Puryear.
Caven.	Ratliff.
Coombes.	Ray.
Dean.	Reed of Bowie.
Devall.	Rollins.
Fain.	Savage.
Good.	Scott.
Goodman.	Shults.
Haag.	Stovall.
Harris.	Tennyson.
Hicks.	Tillery.
Hodges.	Vaughan.
Huddleston.	Walker.
Hunt.	Weinert.

Present—Not Voting

Riddle.	Stinson.
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Absent

Anderson	Barron.
of Bexar.	Bedford.
Anderson	Butler.
of Johnson.	Cathey.

Celaya.	Jones of Atascosa.
Colson.	Jones of Shelby.
Duvall.	Kayton.
Dwyer.	Kyle of Hays.
Engelhard.	Kyle of Palo Pinto.
Graves.	Leonard.
Greathouse.	McGregor.
Hartzog.	Munson.
Hester.	Reader.
Hoskins.	Rogers of Hunt.
James.	Shannon.
Johnson	Tarwater.
of Anderson.	Young.

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
Holloway.	Renfro.

HOUSE BILL NO. 43 ON THIRD READING

Mr. McClain moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—99

Alexander.	Harris.
Alsup.	Harrison.
Baker.	Hartzog.
Barron.	Head.
Bourne.	Hester.
Bradley.	Hicks.
Burns.	Hill of Brazoria.
Calvert.	Hodges.
Camp.	Holekamp.
Canon.	Holland.
Caven.	Huddleston.
Chastain.	Hughes.
Clayton.	Hyder.
Cowley.	Jackson.
Crossley.	James.
Daniel.	Jefferson.
Davidson.	Jones of Atascosa.
Dean.	Jones of Runnels.
Devall.	Kayton.
Dunlap.	Laird.
Dunagan.	Latham.
Dwyer.	Lindsey.
Engelhard.	Long.
Few.	Lotief.
Ford.	Mackay.
Fuchs.	Magee.
Glass.	Mathis.
Golson.	McClain.
Greathouse.	McKee.
Griffith.	Merritt.
Haag.	Metcalfe.
Hankamer.	Mitcham.
Harman.	Moffett.

Moore.	Scott.
Morse.	Smith.
Nicholson.	Stanfield.
Palmer.	Steward.
Patterson.	Stinson.
Pavlica.	Sullivant.
Pope.	Tarwater.
Ramsey.	Tennyson.
Ratliff.	Townsend.
Reed of Dallas.	Turlington.
Riddle.	Van Zandt.
Roberts.	Wagstaff.
Rogers.	Walker.
of Ochiltree.	Weinert.
Ross.	Wells.
Russell.	Winningham.
Scarborough.	Wood.

Nays—20

Adamson.	Parkhouse.
Barrett.	Puryear.
Beck.	Ray.
Coombes.	Reed of Bowie.
Fain.	Rollins.
Good.	Savage.
Goodman.	Shults.
Hunt.	Stovall.
McDougald.	Tillery.
Morrison.	Vaughan.

Absent

Anderson	Jones of Shelby.
of Bexar.	Kyle of Hays.
Anderson	Kyle of Palo Pinto.
of Johnson.	Leonard.
Bedford.	McCullough.
Butler.	McGregor.
Cathey.	Munson.
Celaya.	Reader.
Colson.	Rogers of Hunt.
Duvall.	Shannon.
Graves.	Thomas.
Hoskins.	Young.
Johnson	
of Anderson.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
Holloway.	Renfro.

The Speaker then laid House Bill No. 43 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—76

Bradley.	Clayton.
Burns.	Cowley.
Calvert.	Crossley.
Camp.	Daniel.
Canon.	Davidson.

Dunlap.	McCullough.
Dunagan.	McKee.
Dwyer.	Merritt.
Engelhard.	Metcalfe.
Few.	Moffett.
Ford.	Moore.
Fuchs.	Morse.
Glass.	Nicholson.
Golson.	Palmer.
Griffith.	Pavlica.
Hankamer.	Pope.
Harman.	Ramsey.
Harrison.	Ray.
Head.	Reed of Dallas.
Hicks.	Roberts.
Hill of Brazoria.	Rogers
Holekamp.	of Ochiltree.
Holland.	Ross.
Huddleston.	Russell.
Hughes.	Scarborough.
Hyder.	Smith.
Jackson.	Stanfield.
Jefferson.	Steward.
Jones of Atascosa.	Sullivant.
Jones of Runnels.	Thomas.
Laird.	Townsend.
Latham.	Turlington.
Leonard.	Van Zandt.
Lindsey.	Wagstaff.
Lotief.	Weinert.
Mackay.	Wells.
Magee.	Winningham.
Mathis.	Wood.
McClain.	

Nays—35

Adamson.	Mitcham.
Alexander.	Morrison.
Alsup.	Parkhouse.
Baker.	Patterson.
Barrett.	Puryear.
Bourne.	Ratliff.
Caven.	Reed of Bowie.
Coombes.	Rollins.
Dean.	Savage.
Devall.	Scott.
Fain.	Shults.
Good.	Stovall.
Goodman.	Tennyson.
Harris.	Tillery.
Hester.	Vaughan.
Hunt.	Walker.
Long.	Young.
McDougald.	

Present—Not Voting

Haag.	Stinson.
Riddle.	

Absent

Anderson	Bedford.
of Bexar.	Butler.
Anderson	Cathey.
of Johnson.	Celaya.
Barron.	Chastain.
Beck.	Colson.

Duvall.	Kayton.
Graves.	Kyle of Hays.
Greathouse.	Kyle of Palo Pinto.
Hartzog.	McGregor.
Hodges.	Munson.
Hoskins.	Reader.
James.	Rogers of Hunt.
Johnson	Shannon.
of Anderson.	Tarwater.
Jones of Shelby.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
Holloway.	Renfro.

Mr. Van Zandt moved to reconsider the vote by which the bill was passed.

The motion to reconsider prevailed.

House Bill No. 43 was then passed by the following vote:

Yeas—99

Adamson.	Huddleston.
Alexander.	Hughes.
Baker.	Hyder.
Barrett.	Jackson.
Bradley.	James.
Burns.	Jefferson.
Calvert.	Jones of Atascosa.
Camp.	Jones of Runnels.
Canon.	Laird.
Caven.	Latham.
Chastain.	Lindsey.
Clayton.	Long.
Cowley.	Lotief.
Crossley.	Mackay.
Daniel.	Magee.
Davidson.	Mathis.
Dunlap.	McClain.
Dunagan.	McCullough.
Dwyer.	McKee.
Engelhard.	Merritt.
Few.	Metcalfe.
Ford.	Moffett.
Fuchs.	Moore.
Glass.	Morrison.
Golson.	Morse.
Good.	Nicholson.
Goodman.	Palmer.
Griffith.	Pavlica.
Haag.	Pope.
Hankamer.	Ramsey.
Harman.	Ratliff.
Harris.	Ray.
Harrison.	Reed of Dallas.
Hartzog.	Riddle.
Head.	Roberts.
Hicks.	Rogers of Ochiltree.
Hill of Brazoria.	Rollins.
Hodges.	Ross.
Holland.	Russell.
Hoskins.	Scarborough.

Shults.	Townsend.
Smith.	Turlington.
Stanfield.	Van Zandt.
Steward.	Wagstaff.
Stovall.	Walker.
Sullivan.	Weinert.
Tarwater.	Winningham.
Tennyson.	Wood.
Thomas.	Young.
Tillery.	

Nays—11

Alsup.	Parkhouse.
Bourne.	Reed of Bowie.
Coombes.	Savage.
Fain.	Scott.
McDougald.	Vaughan.
Mitcham.	

Present—Not Voting

Dean.	Hunt.
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Absent

Anderson	Johnson
of Bexar.	of Anderson.
Anderson	Jones of Shelby.
of Johnson.	Kayton.
Barron.	Kyle of Hays.
Beck.	Kyle of Palo Pinto.
Bedford.	Leonard.
Butler.	McGregor.
Cathey.	Munson.
Celaya.	Patterson.
Colson.	Purveyar.
Devall.	Reader.
Duvall.	Rogers of Hunt.
Graves.	Shannon.
Greathouse.	Stinson.
Hester.	Wells.
Holekamp.	

Absent—Excused

Aikin.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	Lemens.
Holloway.	Renfro.

REASON FOR VOTE

I am opposed to the creation of additional district courts, but a large majority of the House apparently favoring the creation of a new court for Montgomery County, I am voting to put the bill into immediate effect, so that the benefits thereof may be obtained as soon as possible.

RATLIFF.

BILL AND RESOLUTION SIGNED
BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice

thereof, and their captions had been read severally, the following enrolled bill and resolution:

H. B. No. 167, "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1933, and ending August 31, 1935, and for other purposes; and prescribing certain regulations and restrictions in respect thereto, and appropriating twelve hundred and sixty dollars (\$1,260) for the support and maintenance of the Texas Racing Commission, created by this Act, empowered to authorize, permit, and license the racing of horses and in connection therewith the use of a licensee of the certificate system, which system is declared not to be either betting or pool selling within the meaning of Articles 645, 647, and 648, of the Penal Code of the State of Texas, Title 2, Chapter 6, of the 1925 Revision; and declaring an emergency."

H. C. R. No. 94, Authorizing certain corrections in House Bill No. 167.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Harman:

H. B. No. 945, A bill to be entitled "An Act making an appropriation for the purpose of providing additional postage, insurance, and stamps required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of Third Called Session of the Forty-second Legislature, during the fiscal years of 1933-1934 and 1934-1935, to be paid out of interest earned on the daily balances of Paying Fund of the Board of County and District Road Indebtedness; and declaring an emergency."

Referred to Committee on Appropriations.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House joint resolutions, introduced today, were laid before the House, read severally first

time, and referred to the appropriate committee, as follows:

By Mr. Pope:

H. J. R. No. 47, Providing an amendment to Section 4, of Article XV, of the Constitution of Texas, providing that impeachment shall only extend to removal from office, and not disqualify the official impeached from thereafter holding any office of honor, trust, or profit under this State to which such impeached official may be hereafter elected; providing the time and manner of holding an election for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

By Mr. Pope:

H. J. R. No. 48, Proposing an amendment to Section 1, Article XVI, of the Constitution of the State of Texas relating to the oath of officers of this State; providing the time and manner of holding an election for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

ADJOURNMENT

Mr. Patterson moved that the House adjourn until 9:30 o'clock a. m., Tuesday, May 23.

Mr. Roberts moved that the House adjourn until 6:10 o'clock p. m., Monday, May 22.

The motion of Mr. Patterson prevailed, and the House, accordingly, at 6:09 o'clock p. m., adjourned until 9:30 o'clock a. m., Tuesday, May 23.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Judiciary: Senate Bill No. 531.
Counties: Senate Bill No. 478.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 832, A bill to be entitled "An Act authorizing the Labor Commissioner to have sole jurisdiction over all ring exhibitions in the State of Texas, with certain exceptions, making said ring exhibitions lawful, and providing for the prescribing of such rules and regulations as are necessary for the administration of boxing; making an appropriation to the Commissioner of Labor Statistics from revenue derived from taxes and fees levied by this Act; defining 'promoter' as used herein; providing for registration of promoters and registration fees and the filing of bond; providing for reports by promoters to the Commissioner of Labor and Comptroller of Public Accounts and payment of tax of five per cent (5%) of total gross receipts from sale of tickets; providing for recovery of such tax in the event same is not paid; providing for the issuance by the Labor Commissioner of an annual license for holding such boxing, sparring, or wrestling exhibitions, and giving to the Commissioner the power to prescribe rules and regulations and qualifications of such licensees; providing certain regulations for the conduct of such exhibitions, and providing a penalty for violation; providing the registration fees herein provided shall be good for one year from the date of the receipt; prescribing the kind of building in which such exhibition may be held; prohibiting certain conduct by the licensee, and providing a penalty therefor; prohibiting a contest on Sunday; prohibiting the participation in any professional fistic combat of persons under eighteen (18) years of age; prohibiting the participation of any person under twenty-one (21) years of age in any championship match; prohibiting gambling in connection therewith, fake exhibitions; prohibiting fistic combat matches, boxing, sparring, or wrestling between any person of the white race and one of the Negro race; providing for the examination of contestants prior to such exhibitions and the fee to be paid for such examination; limiting dura-

tion of fistic combat match, boxing, or sparring contest to ten (10) rounds' duration, except in a championship match; providing each round shall last three (3) minutes; providing for intermission of one minute between each round; providing for kind and weight of gloves to be used; limiting sale of tickets; providing for inspection of such exhibitions; providing a general penalty; declaring a rule of construction; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 393, A bill to be entitled "An Act providing for relief for the Silas Common School District No. 17, Shelby County, Texas, in order to aid said District in rebuilding its property and equipment destroyed by fire, about the middle of October, 1932; making an appropriation in the total sum of one thousand dollars (\$1,000) out of the General Fund to said District for said purpose; and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 666, A bill to be entitled "An Act providing relief for the Agricultural and Mechanical College Substation No. 3, located in Brazoria County, Texas, in order to add necessary repairs, and reconstruct all property and equipment destroyed by the great hurricane which swept over the vicinity of said Substation on August 13, 1932; making an appropriation to said Agricultural and Mechanical Substation No. 3, for said purposes; and creating an emergency."

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 324, A bill to be entitled
"An Act appropriating the sum of
twelve thousand two hundred and
fifty dollars (\$12,250), or so much
thereof as may be necessary, for ex-
penses of investigation, preparation,
and prosecution of suit against the
State of New Mexico for wrongful and
inequitable diversion of the waters of
the Pecos River; and declaring an
emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 528, A bill to be entitled
"An Act providing relief for the Flat
Creek Common School District of
Henderson County, Texas, in order to
aid said school district in rebuilding
and equipping its school, destroyed by
fire, on or about January 20, 1933;
making an appropriation for said pur-
pose; and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 876, A bill to be entitled
"An Act appropriating the sum of
\$1,127.10 to pay the balance due by
the State of Texas as its share of
court costs in the case of the State of
New Mexico vs. The State of Texas,
No. 2, Original, October Term, 1930,
Supreme Court of the United States,
being a suit locating and marking
upon the ground the boundary line
between the State of Texas and the
State of New Mexico; and declaring
an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 771, A bill to be entitled
"An Act providing for the creation
of the Texas Canyon State Park; with-
drawing certain public school lands in
Brewster County, Texas, from sale;
transferring and conveying said land
to the State of Texas for park pur-
poses; reserving all minerals to the
Public School Fund; valuing said lands,
and making an appropriation out of
the General Revenue for payment of
the Permanent School Fund of Texas
for consideration of such transfer;
providing that said Texas Canyon
State Park shall be under supervision
and control of said Texas Park Board;
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 821, A bill to be entitled
"An Act providing for an emergency
appropriation in the sum of eight hun-
dred dollars (\$800) to pay the mileage
and per diem of the members of the
State Board of Health for two more
meetings to be held during the year
of 1933; and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HARRISON, Chairman.

Committee Room,
Austin, Texas, May 18, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 928, A bill to be entitled
"An Act to make provisions for:
(Section 1): To anticipate the sub-
mission and adoption of the proposed
constitutional amendment to provide
for the adoption of a home rule char-
ter by any county in Texas, upon a
vote of the qualified resident electors
of any county, all as proposed in the
pending Senate Resolution No. 3.
Reference to said proposed amend-

ment to the Constitution in the exact form for submission to the electors of the State here is made, to the same effect as though it were embodied herein. Further providing (Section 21 hereof) that, no county charter provision impairing the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems of the State, or any department of the State's superior government may have effect as against the State, etc."

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 56, Granting permission to the Abilene Plumbing Supply Company, Incorporated, to sue the State of Texas and the State Board of Control, etc.,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 937, "An Act validating bonds of cities and towns issued for the purchase, construction, improvement, or repair of any light, gas, water, or sewer system owned and operated by such city or town, under authority of Chapter 314, of the General Laws passed by the Forty-second Legislature at its Regular Session, in 1931, where such bonds have been approved, as to legality and purpose, by the Reconstruction Finance Corporation; validating the sale of such bonds, and declaring the same legal obligations upon the properties encumbered to secure their payment; providing and authorizing the issuance, sale, and delivery of any such bonds heretofore authorized pursuant to said statute; enacting provisions incident and necessary to the subject

and purpose of this Act; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 167, "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1933, and ending August 31, 1935, and for other purposes; and prescribing certain regulations and restrictions in respect thereto, and appropriating twelve hundred and sixty dollars (\$1,260) for the support and maintenance of the Texas Racing Commission, created by this Act, empowered to authorize, permit, and license the racing of horses and in connection therewith, the use by a licensee of the certificate system, which system is declared not to be either betting or pool selling within the meaning of Articles 645, 647, and 648, of the Penal Code of the State of Texas, Title 2, Chapter 6, of the 1925 Revision; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

GOOD, Acting Chairman.

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 61, Granting W. F. Sewell and wife, Mrs. Irma Sewell, permission to bring and continue suit against the State Highway Commission and the State of Texas, in Navarro County,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 62, Granting permis-

sion to E. A. Eliot and wife, Mrs. Hattie Eliot, to bring and continue suit against the Highway Commission, Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 66, Granting permission to A. C. Reissig, W. L. Lamb, Charlie A. Johnson, T. C. Laws, J. E. Snowden, and Oscar Wynn to sue the State, etc.,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 94, Instructing the Enrolling Clerk to make corrections in House Bill No. 167,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 900, "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than sixteen thousand five hundred and sixty-three (16,563) and not more than sixteen thousand nine hundred and sixty-three (16,963), according to the last preceding Federal Census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such

districts to appoint the proper and statutory board of equalization; and which are insufficient and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; and all equalizations of said valuations of such property for taxation purpose made by the boards of equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalizations were adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and providing further, that this Act shall not validate any valuation placed upon property by any board of equalization or any tax assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character, or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 22, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 558, "An Act abolishing the office of district attorney for the Thirtieth Judicial District, comprised of Young, Archer, and Wichita Counties; and providing that the now county attorneys shall act as criminal district attorneys for their respective counties from and after the date of the expiration of the term of office to which the now district attorney was elected; and fixing the fees of their offices created by this Act, and repealing all laws in conflict herewith,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

In Memory of Hon. Homer P. Brelsford

Mr. Chastain offered the following resolution:

Whereas, On May 18, 1933, the Hon. Homer P. Brelsford, of Eastland, Texas, passed to his eternal reward; and

Whereas, He was active in civil and governmental affairs in Texas for more than a quarter of a century, coming to Texas in 1892, soon after his graduation from the University of Notre Dame, settling in Eastland, Texas, where he afterwards became a prominent attorney and was active in the affairs of the Democratic Party. The Hon. Homer P. Brelsford served in the House of Representatives during the Twenty-eighth and Twenty-ninth Sessions, and was State Senator from the Twenty-fourth Senatorial District of Texas from 1913 to 1917. Senator Brelsford was not only known among the people with whom he lived but throughout the State and confines of this Nation. For many years he served as president and chairman of the board of directors of the Texas State Bank, at Eastland, Texas, and in 1918 he was president of the West Texas Chamber of Commerce. Governor Campbell appointed him special Associate Justice of the Supreme Court of Texas and also as special Justice of the Court of Civil Appeals, at Fort Worth, Texas. He served his party as Democratic State Executive Committeeman, and was a delegate to the Democratic National Convention, at Denver, in 1908, and at one time was chosen as a Presidential elector from Texas.

Senator Brelsford was a man who was endowed with an unusual intellect and could grasp and dispose of the most intricate problems both in the practice of his profession and in the solving of State and National problems. But Senator Brelsford distinguished himself more as a citizen among the people with whom he lived for more than a quarter of a century; therefore, be it

Resolved by the House of Representatives, That in the passing of the Hon. H. P. Brelsford that the State of Texas has lost a most valuable and distinguished citizen; and, be it further

Resolved, That when the House adjourns today, it do so out of respect to his memory, and that a copy of these resolutions be printed in the Journal, and a copy be forwarded to his family at Eastland, Texas.

CHASTAIN,

WEINERT,

WAGSTAFF.

The resolution was read second time.

On motion of Mr. Wagstaff, the names of all the Members of the House were added to the resolution, as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Celaya, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Walker, Wells, Winingham, Wood, Young.

The resolution was unanimously adopted.

In Memory of Mr. J. T. Renfro

Mr. Patterson offered the following resolution:

Whereas, On May 21, 1933, J. T. Renfro, the father of one of our distinguished Members, Hon. Tom Renfro, of Fort Worth, Tarrant County, Texas, passed to his eternal reward; and

Whereas, He has been active in civic and governmental affairs of this State for thirty years; and

Whereas, He was a distinguished citizen, much beloved by his many friends and associates; therefore, be it

Resolved by the House of Representatives, State of Texas, That in the passing of Mr. J. T. Renfro, the State of Texas has lost a valuable and distinguished citizen; and, be it further

Resolved, That, as we adjourn today, we do so in commemoration of his memory, and that a proper floral offering and a copy of this resolution, expressing our deepest sympathy to our beloved Member and his beloved mother, Mrs. J. T. Renfro, be forwarded to them; and, be it further

Resolved, That a page of the Journal be set apart as a memorial to the deceased.

PATTERSON,
DUVALL,
SHANNON,
GREATHOUSE,
DUNAGAN,

TURLINGTON,
CLAYTON,
MORSE,
MOORE,
BUTLER.

The resolution was read second time.

On motion of Mr. Kayton, the names of all the Members of the House were added to the resolution, as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Calvert, Camp, Canon, Cathey, Caven, Chastain, Celaya, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunlap, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Morrison, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, Winningham, Wood, Young.

The resolution was adopted unanimously.